THE

Statutes at Large,

FROM THE

30th to the 33d Year of King George II.

To which is prefixed,

A TABLE containing the TITLES of all the STATUTES during that Period.

VOL. XXII.

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CAMBRIDGE,

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CUM PRIVILEGIO.

ontaining the Titles of all such Acts as are extant in print, from the Thirtieth to the Thirty Second Year of King George II. inclusive.

p. i. To prohibit, for a time to be limited, the exportation of corn, malt, meal, flour, bread, biscuit and starch.

p. 2. To make provision for the quartering of the foreign troops in his Majesty's service, now in this

kingdom.

Majesty by a land-tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and sifty seven; and for discharging certain arrears of land taxes incurred before the time therein mentioned; and for the more effectual collecting of arrears for the future.

p. 4. For continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and fifty seven; and concerning the interest to be paid for monies to be borrowed as well on the credit of this act, as on the credit of an act of this session of parliament, for granting an aid to his Majesty by a land tax.

p. 5. For granting to his Majesty fum not exceeding one million fifty thousand and five pounds, and five shillings, to be raised by way

of lottery.

p. 6. For punishing mutiny and desertion; and for the better payment of the army and their quarters.

ip 7. To discontinue for a limited time the duties upon corn and Vol. XXII.

flour imported; and also upon such corn, grain, meal, bread, biscuit and flour, as have been or shall be taken from the enemy, and brought into this kingdom.

Cap. 8. For the speedy and effectual recruiting of his Majesty's land

forces and marines.

Cap. 9. To prohibit for a limited time the exportation of corn, grain, meal, malt, flour, bread, biscuit, starch, beef, pork, bacon, and other victual (except fish and roots and rice, to be exported to any port of Europe southward of Cape Finisterre) from his Majesty's colonies and plantations in America, unless to Great Britain or Ireland, or to some of the laid colonies and plantations; and to permit the importation of corn and flour into Great Britain and Ireland in neutral ships; and to allow the exportation of wheat, barley, oats, meal and flour, from Great Britain to the isle of Man, for the use of the inhabitants there.

Cap. 10. To prohibit for a limited time the making of low wines and spirits, from wheat, barley, malt, or any other sort of grain, or from

any meal or flour.

Cap. 11. For the regulation of his Majesty's marine forces while on

thore.

Cap. 12. To amend an act made in the twenty ninth year of the reign of his present Majesty, intituled, An act to render more effectual an act passed in the twelfth year of the reign of his late majesty King George, to prevent unlawful combinations of workmen



workmen employed in the woollen manufactures, and for better payment of their wages; and also an act passed in the thirteenth year of the reign of his said late Najesty, for the better regulation of the woollen manufacture; and for preventing disputes among the persons concerned therein; and for limiting a time for prosecuting for the forseiture appointed by the aforesaid act, in case of payment of the workmens wages in any other manner than in money.

Cap. 13. To rectify a mistake in an act passed this session of parliament, intituled, An act for the speedy and effectual recruiting of his Maje-

sty's land forces and marines.

Cap. 14. For continuing an act of this present session of parliament, intituled, An act to discontinue, for a limited time, the duties upon corn, and flour imported; and also upon such corn, grain, meal, bread, biscuit and flour, as have been, or shall be taken from the enemy, and brought into this kingdom.

Cap. 15. For continuing an act of this present session of parliament, intituled, An act to prohibit, for a limited time the making of low wincs and spirits from wheat, barley, malt, or any other sort of grain; or from

any meal or flour.

Cap. 16. To extend the liberty granted by an act of the twenty third year of the reign of his present Majesty, of importing bar iron from his Majesty's colonies in America, into the port of London, to the rest of the ports of Great Britain; and for repealing certain clauses in the said act.

Cap. 17. For the importation of fine organzined Italian thrown filk.

Cap. 18. For the relief and encouragement of the captors of prizes, with respect to the bringing and landing prize goods in this kingdom.

Cap. 19. For granting to his Mojesty

feveral rates and duties upon indentures, leafes, bonds and other deeds; and upon news papers, advertilements and almanacks; and upon licences for retailing wine; and upon coals exported to foreign parts; and for applying, from a certain time, the fums of money arifing from the furplus of the duties on licences for retailing spirituous liquors; and for raising the fum of three millions, by annuities, to be charged on the laid rates, duties and fums of money; and for making perpetual an act made in the fecond year of the reign of his present Majesty, intituled, An att for the better regulation of attornies and folicitors; and for enlarging the time for filing affidavits of the execution of contracts of clerks to attornies and folicitors; and allo the time for payment of the duties omitted to be paid for the indentures and contracts of clerks and apprentices.

Cap. 20. More effectually to prevent the spreading of the distemper now raging amongst the horned cattle in

this kingdom.

Cap. 21. For the more effectual prefervation and improvement of the spawn and fry of fish in the river of Thames, and waters of Medujay; and for the better regulating the

fishery thereof.

Cap. 22. To explain and amend an act made in the eighteenth year of his present Majesty's reign, to prevent the misbehaviour of the drivers of carts in the streets in London, Westminster, and the limits of the weekly bills of mortality; and for other purposes in this act mentioned.

Cap. 23. For enabling his Majesty to raise the sum of one million, for the uses and purposes therein mentioned.

Cap. 24. For the more effectual punishment of persons who shall at-



cain, or attempt to attain, possession of goods or money, by false or untrue pretences; for preventing the unlawful pawning of goods; for the easy redemption of goods pawned; and for preventing gaming in publick houses by journeymen, labourers, servants and apprentices.

Cap. 25. For the better ordering of the militia forces in the several counties of that part of Great Bri-

tain called England.

- Cap. 26. For granting to his Majesty certain lums of money out of the finking fund; and applying certain monies remaining in the exchequer, and the favings out of the monies granted in this fession of parliament for the pay of the troops of Hanover, for the fervice of the year one thoufand seven hundred and fifty seven; and for further appropriating the supplies granted in this fellion of parliament; and for relief of Claud Johnson, with respect to a bond entered into by him, for fecuring the duties on tobacco imported by George Buchanan and William Hamilton.
- Cap. 27. For enlarging the times for the first meetings of commissioners or trustees for putting in execution certain acts of this session of parliament.

Cap. 28. To render more effectual the feveral laws now in being for the amendment and prefervation of the publick highways and turnpike roads of this kingdom.

Cap. 29. To indemnify persons who have been guilty of the unlawful importing, landing, or running of prohibited, uncustomed, or other

goods or merchandize, upon certain terms therein mentioned.

Cap. 30. For allowing a further bounty on vessels employed in the white herring fishery; for giving liberty to alter the present form and fize of the nets used in the said fishery; and for other purposes therein mentioned.

Cap. 31. To explain, amend and render more effectual an act passed in the twenty eighth year of the reign of his present Majesty, intituled, An act to enable the church-wardens, overseers and inhabitants of the parish of Saint Saviour in the borough of Southwark in the county of Surrey, to hold a market within the said parish, not interfering with the high street in the said borough.

Cap. 32. For draining and preserving certain marshand fen lands and low grounds in the parish of Wiggenhall Saint Mary Magdalen, in the coun-

ty of Norfolk.

Cap. 33. For draining and preserving certain sen lands and low grounds in the several parishes of Ramsey, Bury, Wistow, Warboys, Farceitt, Standground and Water-newton in the county of Huntingdon, and of Doddington in the isle of Ely and county of Cambridge.

Cap. 34. To enable the commissioners for building Westminster Bridge, to widen the street or avenue leading from Cockspur Street, to the passage in Spring Garden, near Saint

'James's park.

- Cap. 35. For draining and preserving certain sen lands lying in the South Level, part of the great level of the sens, commonly called Bedford Level, between Brandon River and Sams's Cut Drain; and for impowering the governor, bailiffs and commonalty, of the company of conservators of the said great level, to sell certain lands within the said limits, commonly called Invested Lands.
- Cap. 36. For draining and preserving certain sen lands, low grounds and commons in the townships or hamlets of March and Wimblington, and in the parish of Upwell in the isle of Ely and county of Cambridge.

Cap. 37. For enlarging the times ii-



mited for executing and performing several provisions, powers and directions in certain acts of this

fession of parliament.

Cap. 38. For amending, widening, and keeping in repair several roads in and near to the town of Tenbury in the counties of Salop, Worcester

and Hereford.

Cap. 39. For repairing and widening several roads leading to, thro' and from the town of Frome in the county of Somerset; and for giving further powers to the trustees in an act passed in the twenty fifth year of his present Majesty's reign, for repairing the roads from the town of Warminster in the county of Wilts, to the city of Bath in the county of Somerset, and other roads therein mentioned.

Cap. 40. For enlarging the terms and powers granted by two acts of parliament, one passed in the third, and the other in the seventeenth year of the reign of his present Majesty, for repairing the road leading from a gate called Shipston Toll-gate at Bridgetown in the parish of Old Stratford in the county of Warwick, through Alderminster and Shipston upon Stower, to the top of Long Compton Hill in the laid county of Warwick; and also for repairing the road leading from the first milestone standing on the laid Shipston road, through a lane called Clifford Lane, and through Mickleton and Chipping Campden, to a place called Andover's Ford, in the county of Gloucester.

Cap. 41. For amending, widening, and keeping in repair, the road from the turnpike road at the bottom of Shaw Hill, in the parish of Melksham, through Googes Lane, Corsham, Biddestone, and West Yatton, to the turnpike road at Upper Combe, in the parish of Castlecombe,

in the county of Wilts.

Cap. 42. For the ascertaining and

the better ordering and regulating the poor in the parish of Saint Luke, in the county of Middleser

in the county of Middlefex.

Cap. 43. For amending, widening, and keeping in repair, the road from the town of Hitchin in the county of Hertford, through the town of Shefford and Carrington Cotton End, to a lane opposite a farm house called Saint Leonard's, leading into the turnpike road from Saint Alban's, to the town of Bedford; and also the road from the turning-out of the aforelaid road into Henlow Field, to Gerford Bridge; and also the road from the town of Henlow, over Henlew Bridge, to Arlesey in the county of Bedford.

Cap. 44. For amending, widening, and keeping in repair, the road leading from Burleigh Bridge in the the town of Loughborough, to Ashby de la Zouch, in the county of Lei-

cester.

Cap. 45. For amending, widening, and keeping in repair, the roads from the east end of the town of Hertford, in the county of Hertford, through Watton, to Broadwater; and from the town of Ware, through Watton, to the north end of the town of Walkern in the said county.

Cap. 46. For amending, widening, making commodious, and keeping in repair, the road from the Gross Keys, otherwise Bricker's Barn, in the parish of Corsbam, in the county of Wilts, to Bath-Easton Bridge, in

the county of Somerfet.

Cap. 47. For making the river Blyth navigable from Halesworth Bridge, in the county of Suffolk, into the haven of Southwould.

Cap. 48. For repairing and widening the road from Towcester, through Silverston and Brackley, in the county of Northampton, and Ardley and Middleton Stoney, to Weston Gate, in

the



the parish of Weston on the Green,

in the county of Oxford.

Cap. 49. For repairing and widening the road from Markfield turnpike, in the county of Leicester, over Charley, otherwise Charnwood forest, through the town of Whitwick; and from thence through Talbot Lane, to where the road leading from the town of Loughborough, to the town of Ashby de la Zouch in the said county, comes in from Ryley Lane, near to a place called Snape Gate.

Cap. 50. For amending, widening, and keeping in repair, the roads leading from the village of Milford, in the county of Surry, thro' Petworth, to the top of Dunckton Hill, and from Petworth to Stopham Bridge, in the county of Suffex.

Cap. 51. For explaining and amending several acts of parliament for repairing the roads between a place called the White Post, on Alconbury Hill and Wansford Bridge, in the county of Huntingdon, and between Norman Cross Hill, in the faid county, and the city of Peterborough, with respect to the elections of new truftees, the power of compelling perions employed by the truftees in the execution of such acts, to deliver up fuch books and papers relating thereto as are in their custody, and also to the manner of fummoning and holding the meetings of the truftees.

ap. 52. For enlarging the term and powers granted by an act passed in the twentieth year of the reign of his present Majesty, for repairing the high road leading from the north end of the Cow Cawsey, near the town of Newcastle upon Tyne, to the town of Belford; and from thence to Buckton Burn, in the county of Northumberland; and for making the same more effectual.

Cap. 53. For enlarging the term and powers granted by two acts of par-

liament, one passed in the sourth year of the reign of his late majesty King George, and the other in the ninth year of the reign of his present Majesty, for repairing the highways from Crown Corner in the town of Reading, leading by and through the several parishes of Shinfield and Heckfield, in the several counties of Berks, Wiles, and Southampton, to Basingstoke, in the

county of Southampton.

Cap. 54. For enlarging the terms and powers granted by two feveral acts, passed in the fourteenth year of his present Majesty, the one for repairing the roads from a place called The Red House, near Doncafter, to Wakefield, and through the faid town of Wakefield, by Dewfoury, Hightown, and Lightcliff, to the town of Halifax, in the west riding of the county of York; and the other for repairing the road from Wakefield to Pontefract, and from thence to a place called Weeland, in the township of Henfall; and from Pontefract to Wentbridge, in the township of Darrington in the west riding of the county of York.

Cap. 55. For rebuilding the bridge over the river Ribble, between the townships of Preston and Penworth-am, near a place called The Rish House, in the county palatine of

Lancaster.

Cap. 56. For rebuilding and keeping in repair the shire hall of the coun-

ty of Warwick.

Cap. 57. For enlarging the term and powers granted by an act, passed in the twenty sixth year of the reign of his present Majesty, intituled, An act for repairing several roads leading into the city of Glasgow, so far as the same relates to certain roads mentioned in the said act; and also to enlarge the term and powers granted by an act passed in the twenty seventh year of the reign.

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of his present Majesty, intituled, An act to explain, amend, and render more effectual an act paffed in the twenty fixth year of the reign of his present Majesty, intituled, An act for repairing leveral roads leading into the city of Glasgow; and to repair leveral other roads leading into the faid city; and for building a bridge crois the river of Inchinnan.

Cap. 58. For enlarging the term, and amending and altering feveral powers granted by an act made in the twentieth year of his present Majesty's reign, for opening, cleanting, repairing, and improving the haven of Southwould, in the county

of Suffolk.

Cap. 50. For building a bridge over the river Lea, at or near a place called Jeremy's Ferry; and for making, repairing, and widening, roads from thence into the great roads at Snaresbrook in the county of E//ex, and at Clapton in the

county of Middle ex.

Cap. 60. For repairing and widening the road from the north end of Dapdon Wharf, in the parish of Stoke, next Guldeford, through Guldefend to Andrew's Cross, and to Alfold Bars in the county of Surrey, and from thence to Saint Mary's Gate in Arundel, in the county of Sullex.

Cap. 61. For repairing the road from a place called The Golden Farmer, near Bag/bot, in the county of Surrey, to Hertfordbridge Hill, in the

county of Southampton.

Cap. 62. For making the river Ivel, and the branches thereof, navigable, from the river Ouze, at Tempfford, in the county of Bedford, to Shatling Mill, otherwise called Burnt Mill, in the parish of Hitchin, in the county of Hertford; and to Black Horse Mill, in the parish of Bygrave, in the faid county of Hertford; and to the fouth and north

bridges in the town of Shefferd, in

the faid county of Bedford.

Cap. 63. For building a bridge or bridges cross the river of Thames, from a certain place in Old Brentford, in the parish of Ealing, in the county of Middlelex, known by the name of Smith or Smith's Hill, to the oppofite shore in the county of Surry.

Cap. 64. For enlarging the terms and powers granted by two acts of parliament of the first and seventeenth years of the reign of his preient Majesty, for repairing and amending feveral roads leading to and from the borough of Evelbam, in the county of Worcester; and for explaining and making more effectual the faid acts; and also for amending, widening, and keeping in repair, feveral other roads in the counties of Worcester, Warwick, and

Gloucester.

Cap. 65. For cleanfing, paving, and lightening, the streets of the city of Bath, and liberties thereof; and for regulating chairmen; and also for the keeping a sufficient and well-regulated watch in the nighttime, in the faid city and liberties; and to oblige all owners of houses, and other buildings, within the faid city and liberties, to bring down the water from the roofs of their houles, and other buildings by proper pipes, down the fides or walls of fuch houses and buildings; and allo to oblige all coal carriages to pais by the borough walls of the laid city during the night feafon.

Cap. 66. To explain, amend, and render more effectual, an act made in the last session of parliament, For repairing and widening several roads leading from a gate called Poole Gate, in the town and county of

Cap. 67. For enlarging the terms and powers granted by an act paffed in the twelfth year of the reign of his present Majesty, for repairing and enlarging

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A TABLE of the STATUTES.

enlarging the highways between the top of Kingsdawn Hill and the city of Bath, and for amending several other highways therein mentioned, leading to the said city; and also for repairing several other

roads therein mentioned.

Cap. 68. For repairing and widening the roads leading from Spalding High Bridge, through Littleworth, and by Frognall, and over James Deeping Stone Bridge, in the county of Lincoln, to Maxey Outgang, in the county of Northampton, adjoining

the high road there.

Cap. 69. For amending, widening, and keeping in repair, the roads from the town of Wrexham, in the county of Denbigh, to Pentre Bridge, in the county of Flint; and from the town of Mold, to Northopp, Holywell, and Rhuddlan, in the same county; and from thence to the Ferry House opposite to the town of Conway, in the county of Carnarvon; and from Ruthin to the said town of Mold.

Private Acts.

Anno 30 Georgii II.

equire, and the heirs of his body, to take and use the surname of Cog-bill, pursuant to the will of Mar-maduke Coghill esquire, deceased, and to bear the samily arms of Coghill.

2. An act to enable the reverend Thomas Collier clerk, and his issue, to take and use the surname of Bar-

nard.

3. An act for naturalizing John Baptist Durand, and Bartholomew Rilliet.

4. An act for naturalizing John Fre-

derick Falwaffer.

5. An act for dividing and enclosing the common fields, common paltures, common meadows, common grounds, and greens, in the manor and parish of *Prior's Hardwick*, in the county of *Warwick*.

6. An act for confirming and establishing certain articles of agreement, and an award, for dividing and inclosing the common fields, common downs, meadows, and pastures, within the manor of Barton Stacy, in the parish of Barton Stacy, in the county of Southampton.

7. An act for dividing and inclosing the common field, common meadows, common pastures, common grounds, and commonable lands, in the township of Burchester, otherwise Burcester, otherwise Burcester, otherwise Bissier Market End, in the county of Oxford; and for extinguishing all right of common in certain common meadows, common pastures, and inclosed grounds, in the said township.

8. An act for confirming and establishing two several articles of agreement, for inclosing and dividing Northwood Hanchurch Heath, and Tost Green, in the manor and parish of Trentham, in the county of

Stafford.

9. An act for dividing and inclosing a certain piece of patture ground, called Whitgift Pasture, in the county of York; and for giving a compensation, in lieu of tythes, to the impropriator of the rectory of

Whitgift aforesaid.

ing certain limitations in a grant made by King Charles the Second, of a duty on coals shipped in the river Tyne, to Charles late duke of Richmond and Lenox; and for enabling the present duke of Richmond, Lenox, and Aubigmy, to make a jointure on his intended marriage with lady Mary Bruce.

ly sum upon the right honourable

Ann Fitzroy, commonly called counters of Eufton, wife of the right honourable

Augustus Fitzroy esquire,
commonly called earl of Euston,
out of certain yearly pensions issuing

ing out of the hereditary revenue of the excise, and comprised in certain letters patent bearing date the two and twentieth day of October in the twenty-fixth year of the reign of King Charles the Second, in part of the jointure agreed to be fecured to her upon her intermarriage with the faid right honourable Augustus Fitzroy esquire, commonly called earl of Eufton.

12. An act for veiting the citate and interest late of Robert Cheatham elquire, decealed, in the duties granted by certain acts of parliament, for maintaining a lighthouse on the Edystone rock, in trustees, in trust to raise money to be applied towards rebuilding the faid light-

house.

13. An act to impower the warden and fociety of The King's-Town, of Sutton Coldfield, in the county of Warwick, to grant part of a common called Sutton Coldfield Park, unto Simon Luttrell elquire, and his heirs.

14. An act to enable Mary Jeffreys, the wife of Jeffrey Jeffreys esquire, a lunatick, and the committee or committees of his estate for the time being, to make leafes of the parts and thares of the laid Mary Jeffreys, of divers lands, tenements and hereditaments, in the county of Devon, devised by the will of Sir William Maurice, deceased, during the continuance of the faid lunatick's interest therein.

15. An act for establishing and rendering effectual certain articles of agreement for inclosing the common fields and grounds in the manor of Stragglethorpe, within the parish of Beckingham, in the county of Lincoln; and for making a compensation to the rector of the said parish, for the glebe lands and tythes in Straggletherpe aforesaid.

16. An act for dividing, allotting, and inclosing, the common, open

and arable fields, and wafte grounds in Earlstone, in the parish of Burghcleare, in the county of Hents.

17. An act for dividing and inclosing the common fields, common meadows, common pastures, common grounds, and commonable lands within the township of Piddington,

in the county of Oxford.

18. An act for dividing and inclosing certain common pastures and common grounds, in the manor and parish of Wingerworth, and in the hamlet of Tupton, in the parish of North Wingfield respectively, in the county of Derby.

19. An act to enable Thomas Turner esquire, and his issue, to take and use the surname and arms of Pay-

ler.

20. An act for naturalizing John Ja-

cob Thompsons.

21. An act for vesting the settled eltate of George William earl of Coventry, in the county of Cambridge, in truitees, in truit to fell the fame; and to lay out the money arising by such sale, in the purchase of other lands and hereditaments lying nearer to his estate in the counties of Worcester, Gloucester, and Warwick, to be lettled to the uses therein mentioned.

22. An act for discharging John lord Trever, executor of Thomas lord Trever, decealed, from the fum of eight thousand and eight hundred pounds, agreed by the faid Thomas lord Trever, to be laid out in the purchase of lands, and for confirming the application made by the faid John lord Trever, of the laid eight thouland and eight hundred pounds towards the discharge of the sum of ten thousand pounds, charged on the manor of Brombam, and other the estates late of the said Thomas lord Trever, in the county of Bedford.

23. An act for impowering the guardians of Henry lord Arundell of Wardour,

brother, and Thomas Arundell his brother, both infants, to make leafes and copyhold grants of their feveral estates, during their respective minorities.

viscount Irwin, George Ingram, his brother, and Charles Ingram, his nephew, to fettle part of the faid viscount Irwin's estate, upon the marriage of the said Charles Irwin, and for other purposes therein mentioned.

45. An act for regulating and improving certain benefactions vefted in the rector and principal professors and masters of the university and

college of Glafgow.

baronet, to make a partition, during the minority of John Shaw, his infant fon, of certain premisses devised to him by the will of dame Anna Maria Shaw widow, deceased.

27. An act for sale of part of the settled estates of George Chasin the elder, and George Chasin the younger, esquires; in the counties of Dorset and Somerset, for payment of their debts; and for rendering a power in a certain settlement therein mentioned, for making jointums, more effectual; and for other purposes.

28. An act for vesting certain tythes and hereditaments in the Isle of Wight, the estate and inheritance of Thomas Bagster esquire, a lunatick, in trustees, to be sold for discharging incumbrances affecting the same, and for other purposes therein mentioned.

29. An act for confirming the title of William Welby efquire, to certain lands and hereditaments in the county of Lincoln, purchased of Francis Fysher esquire; and for vesting and settling other estates of the said Francis Fysher, in the said county, upon the trusts, and for the purposes therein mentioned.

30. An act to enable Lilias- Montgo-

merie of Skelmorly, to sell lands in the county of Renfrew; and to lay out the monies arising thereby, in the purchase of lands contiguous to other lands of the said Lilias Montgamerie, in the county of Air; and for other purposes therein mentioned.

31. An act for enabling Mary Hearle widow, Thomas Hearle clerk, and John Rogers esquire, guardians of Margaret Hearle, Jane Hearle, Betty Hearle, and Harriet Hearle, infants, to make leases of several estates in the county of Cornwall; and also setts and leases of the mines therein; and to carry on adventures during the minority of the said infants.

32. An act for establishing and rendering effectual, certain articles of agreement, for the dividing and inclosing the common fields, common meadowgrounds, and common or waste, in the township of Bishopthorpe, in the county of the city of York, and for other purposes therein mentioned,

33. An act for dividing and inclosing certain common fields, common pastures, common meadows, comgrounds, and waste grounds, within the parish of Wolfhampcote, in

the county of Warwick.

34. An act for confirming and establishing articles of agreement for dividing and inclosing the open town fields of West Matsen, and a small common or waste ground thereto adjoining, in the county of Northumberland.

35. An act for dividing and inclosing the common fields, common paltures, common meadows, common grounds, and waste grounds, in the manor and lordship of Pryors Marfon, in the county of Warwick.

36. An act for dividing and inclosing certain fields, meadows, and commons, in the manor of Fulford, in

the county of York.



a parcel of common ground in the manor of Strenfall, in the county of York; and for giving compensation to the prebendary of Strenfall aforesaid, and his farmer, and the vicar of Strenfall, in lieu of their respective tythes and ecclesiastical dues out of the said parcel of ground.

38. An act for establishing and rendering effectual articles of agreement for dividing and inclosing the open fields and common grounds in *Pocklington*, in the county of

York.

39. An act for dividing and inclosing Thornton, otherwise Bishop Thornton moor, stinted pasture, or common, within the manor of Bishop Thornton, with Bishopside, in the county of York.

40. An act for dividing and inclosing feveral open and arable meadow and pasture grounds, in the parish of Loxley, in the county of War-

wick.

41. An act for dividing and inclosing the common fields, grounds and meadows, in the manor and parish of Baumber, otherwise Bamburgh,

in the county of Lincoln.

42. An act to dissolve the marriage of the honourable Charles Hope Weir esquire, with Ann Vane his now wife, and to enable him to marry again; and for other purposes therein mentioned.

of Thomas Nuthall gentleman, with Lucy Scott his now wife, and to enable him to marry again; and for other purposes therein mentioned.

44. An act for naturalizing John Du-

rade.

45. An act to ascertain, establish, and confirm, the boundaries of the manors and parishes of North Mims and Northaw, so far as the same extends to and upon the several the commons called North Mims and

Northaw common, in the county

of Hertford.

of the hospital of King fames, founded in Charter House, to sell and convey the manor of Blacktost, and divers lands and tenements in the county of York; and for laying out the money arising thereby, in the purchase of other lands and tenements, for the benefit of the said hospital.

47. An act to enable the guardian of of Charles Ward, an infant, to fell and convey part of his estate in the county of Warwick, pursuant to an agreement with the right honourable Francis earl Brooke; and for applying the purchase-money in discharge of incumbrances affect-

ing the same.

48. An act for carrying into execution articles of agreement, entered into before, and in confideration of, the marriage of Crifp Molineux esquire, with Katharine Montgome-

ry, his now wife.

- 49. An act for vesting the settled e-states of Lillie Smith Aynscembe esquire, and Valentina his wife, in trustees, to be sold; and for applying the money arising by such sale, in the purchase of other free-hold lands, tenements, and hereditaments, to be settled and limited to the like uses; and for other purposes in the said act mentioned.
- 50. An act for vesting part of the real estate of Henry Chivers Vince esquire, deceased, in trustees, to be sold for raising money to discharge the debts and incumbrances directed to be paid by a decree of the court of Chancery.
- ges, lands and hereditaments, part of the real estate late of George Davilon, deceased, in trustees, to enable them to convey the same to purchasers or mortgagees thereof,

erunto such other person or persons as the court of Chancery shall direct.

52. An act for dividing and inclosing certain open and common fields, lying within the parish or town-ship of Morton, otherwise Morton Morrel, in the county of Warwick.

feveral commons or wastes, and also several common fields, meadows, pastures, and waste grounds lying within the manor of Wimestwood, in the county of Leicester.

54. An act for confirming a partition between William earl of Dartmouth, and Frances Katherine counters of Dartmouth, his wife, and Sir William Maynard baronet, of several estates in the counties of Bucks, Middlesex, Surrey, Suffolk, and Hertford, and in the city of London, and for vesting and settling the entire premisses to the several uses therein mentioned.

55. An act to impower Elizabeth, the wife of Henry Thomas Carr esquire, a lunatick, to make an appointment of a sum of three thousand pounds, towards the payment of the said lunatick's debts; and for other purposes therein mentioned.

56. An act for sale of part of the settled estate of William Thomson esquire, in the county of Berks, to raise money towards discharging several mortgage debts and incumbrances affecting other parts of his settled estates, in the same county.

57. An act for impowering the receiver general of his Majesty's customs, to release and discharge the estate and effects of George Buchanan and William Hamilton, from a debt due to his Majesty, upon payment, by the assignees under the commission of bankruptcy against them, of a sum of money therein mentioned.

58. An act to enable Samuel Fackson esquire, now called Samuel Dedington, and his heirs male, to take and use, in exchange for his and their own surname and arms, the surname and arms, the surname and arms of Dodington, pursuant to the will of George Dodington esquire, deceased.

59. An act to enable James Newsam esquire, and his issue, to take and

use the surname of Craggs.

Anno 31 Georgii II.

Cap. 1. For continuing certain laws made in the last session of parliament, for prohibiting the exportation of corn, malt, meal, flour, bread, biscuit, and starch; and for prohibiting the making of low wines and spirits, from wheat, barley, malt, or any other fort of grain, or from meal or flour; and to allow the transportation of wheat, barley, oats, meal, and flour, to the Isle of Man, for the use of the inhabitants there; and for reviving and continuing an act made in the fame lestion, for discontinuing the duties upon corn and flour imported, and upon corn, grain, meal, bread, biscuit, and flour, taken from the enemy; and to permit the importation of corn and flour into Great Britain and Ireland, in neutral thips; and to authorize his Majesty, with the advice of his privy council, to order and permit the exportation of such quantities of the commodities aforefaid, as may be necessary for the sustentation of any forces in the pay of Great Britain, or of those of his Majesty's allies acting in support of the common cause; and to prohibit the payment of any bounty upon the exportation of any of the faid commodities to be made during the continuance of this act.

Cap. 2. For continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and fifty eight.

Cap.

Cap. 3. For allowing the importation of such fine Italian organzine filk into this kingdom from any port or place whatsoever, as shall have been shipped on or before the day therein mentioned.

Cap. 4. For granting an aid to his Majesty by a land tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and fifty eight; and for inforcing the payment of the rates to be assessed upon Somerset House in the Strand.

Cap. 5. For punishing mutiny and desertion; and for the better payment of the army and their quarters.

Cap. 6. For the regulation of his Majesty's marine forces while on shore,

cap. 7. For appointing commissioners for putting in execution an act
of this session of parliament, intituled, An act for granting an aid to
his Majesty, by a land tax to be raised
in Great Britain, for the service of
the year one thousand seven hundred
and fifty eight; and for enforcing the
payment of the rates to be assessed upon Somerset House in the Strand;
and for rectifying a mistake in the
said act; and for allowing farther
time to the receivers of certain aids,
for setting insuper for monies in arrear.

Cap. 8. For enlarging the terms and powers granted and continued by feveral acts of parliament, for repairing the harbour of *Dover* in the county of *Kent*.

Cap. 9. To indemnify persons who have omitted to qualify themselves for offices and employments; and to indemnify justices of the peace, and others, who have omitted to register their qualifications within the time limited by law; and for giving surther time for those purposes, and the filing of affidavits of articles of clerkship.

Cap. 10. For the encouragement of

regular method for the punctual, frequent, and certain payment of their wages; and for enabling them more easily and readily to remit the same for the support of their wives and families; and for preventing frauds and abuses attending such payments.

Cap. 11. To amend an act made in the third year of the reign of King William and Queen Mary, intituled, An act for the better explanation, and supplying the defects of the former laws for the settlement of the poor, so far as the same relates to apprentices gaining a settlement by indenture; and also to impower justices of the peace to determine differences between masters and mistresses and their servants in husbandry, touching their wages, though such servants are hired for less time than a year.

Cap. 12. To encourage the growth and cultivation of madder in that part of *Great Britain* called *England*, by afcertaining the tithe thereof there.

Cap. 13. For allowing a further time for holding the first meetings of commissioners or trustees for putting in execution certain acts made in the last session of parliament.

Cap. 14. For further explaining the lawstouching the electors of knights of the thire to ferve in parliament for that part of Great Britain called England.

Cap. 15. For the encouragement of the exportation of culm to Liston, in the kingdom of Portugal.

Cap. 16. To enforce and render more effectual an act made in the twenty fifth year of his present Majesty's reign, intituled, An act for annexing certain forfeited estates in Scotland to the crown unalienably; and for making satisfaction to the lawful creditors thereupon; and to establish a method

of managing the same, and applying the rents and profits thereof, for the better civilizing and improving the highlands of Scotland, and preventing

disorders there for the future.

Cap. 17. To explain, amend, and render more effectual an act passed in the twenty ninth year of the reign of his present Majesty, intituled, An act for appointing a Jufficient number of constables for the service of the city and liberty of Westminster; and to compel proper perfons to take upon them the office of jurymen, to present nusances and other offences within the faid city and li-

berty.

Cap. 18. For draining and preserving certain fen lands and low grounds in the ifle of Ely and county of Cambridge, between the Cam, otherwile Grant, Oule, and Mildenhall rivers, and bounded on the fouth east by the hard lands of Isleham, Fordham, Soham, and Wicken; and for impowering the governor, bailiffs, and commonalty of the company of confervators of the great level of the fens, called Bedford Level, to fell certain lands within the faid limits, commonly called Invested Lands.

Cap. 19. For draining and preferving certain fen lands, low grounds, and commons, in the parishes of Chatteris and Doddington, in the ille of Ely, in the county of Cambridge.

Cap. 20. For applying a fum of money granted in this fession of parliament, for rebuilding London Bridge; and for rendering more effectual an act paffed in the twenty ninth year of his present Majesty's reign, intituled, An all to improve, widen, and enlarge, the pullage over and through London Bridge.

Cap. 21. For allowing further time for involment of deeds and wills made by papifts; and for relief of

protestant purchasers.

Cap. 22. For granting to his Majetty

feveral rates and duties upon offices and pensions; and upon houses; and upon windows or lights; and for raising the sum of five millions by annuities, and a lottery, to be charged on the faid rates and duties.

Cap. 23. For the more easy and speedy recovery of finall debts within the western division of the hundred of Brixton in the county of Surry.

Cap. 24. For the more easy and speedy recovery of small debts within the borough of Great Yarmouth, and

the liberties thereof.

Cap. 25. For establishing a free market for the fale of corn and grain, within the city or liberty of West-

miniter.

Cap. 26. To explain, amend, and enforce an act made in the last fesfion of parliament, intituled, An all for the better ordering of the militia forces in the several counties of that part of Great Britain called England.

Cap. 27. For repealing an act made in the twenty fifth year of his prefent Majesty, to restrain the making infurances on foreign ships bound to or from the East Indies.

Cap. 28. To permit the importation of falted beef, pork, and butter, from Ireland, for a limited time.

Cap. 29. For the due making of bread; and to regulate the price and affize thereof; and to punish persons who shall adulterate meal.

flour, or bread.

Cap. 30. For applying the money granted by parliament towards defraying the charge of pay and cloathing for the militia, for the year one thousand seven hundred and fifty eight; and for defraying the expences incurred on account of the militia, in the year one thoufand feven hundred and fifty feven.

Cap. 31. For granting to his Majesty certain lums of money out of the finking fund, for the lervice of the



year one thousand seven hundred and fifty eight; and for empowering the proper officers to make forth duplicates of exchequer bills, tickets, certificates, receipts, annuity orders, and other orders, in lieu of such as shall be lost, burnt, or otherwise destroyed; and for obliging the retailers of wines, commonly called Sweets, or Made Wines, to take out a wine licence.

Cap. 32. For repealing the duty granted by an act made in the fixth year of the reign of his late Majefty, on filver plate, made, wrought, touched, affayed, or marked in Great Britain; and for granting a duty on licences, to be taken out by all persons dealing in gold or filver plate; and for discontinuing all drawbacks upon filver plate exported; and for more effectually preventing frauds and abuses in the marking or stamping of gold

Cap. 33. For enabling his Majesty to raise the sum of eight hundred thousand pounds, for the uses and purposes therein mentioned; and for surther appropriating the supplies granted in this session of par-

liament.

or filver plate.

Cap. 34. For enlarging the times for the first meetings of commissioners or trustees, for putting in execution certain acts of this session of parliament; and for other purposes

therein mentioned.

Cap. 35. To continue several laws therein mentioned, for granting a liberty to carry sugars of the growth, produce, or manufacture, of any of his Majesty's sugar colonies in America, from the said colonies directly into foreign parts, in ships built in Great Britain, and navigated according to law; for the preventing the committing of frauds by bankrupts; for giving surther encouragement for the importation of naval stores from the British co-

lonies in America; and for preventing frauds and abuses in the admeasurement of coals in the city and liberty of Westminster; and for preventing the stealing or destroy-

ing of madder roots.

Cap. 36. For continuing certain laws therein mentioned relating to Britifb fail cloth, and to the duties payable on foreign fail cloth; and to the allowance upon the exportation of British made gunpowder; and to the encouragement of the trade of the fugar colonies in America; and to the landing of rum or spirits of the British lugar plantations, before the duties of excise are paid thereon; and for regulating the payment of the duties on foreign exciseable liquors; and for the relief of Thomas Watjon, with regard to the drawback on certain East Indian callicoes; and for rendering more commodious the new passage leading from Charing Cross.

Cap. 37. To permit the exportation of certain quantities of malt now lying in his Majesty's storehouses; and to allow the bounty upon such corn and malt as was shipped and cleared for Ireland, on or before a limited time; and to authorize the transportation of flour, meal, bread, and biscuit, to the islands of Guern-sey and Jersey, for the use of the inhabitants there, in lieu of the wheat, malt or barley, which may now, by law, be transported to

those islands.

Cap. 38. For applying a sum of money granted in this session of parliament towards carrying on the works for fortifying and securing the harbour of Milford in the coun-

ty of Pembroke.

Cap. 39. For vesting certain messuages, lands, tenements, and hereditaments, for the better securing his Majesty's docks, ships, and stores, at Portsmouth, Chatham, and Plymouth, and for the better fortifying



fying the town of Portsmouth, and citadel of Plymouth, in trustees, for certain uses; and for other pur-

poles therein mentioned.

Cap. 40. To ascertain the weight of truffes of straw, and to punish deceits in the fale of hay and straw in trustes in London, and within the weekly bills of mortality, and within the distance of thirty miles thereof; and to prevent common fallemen of hay and straw from buying the fame on their own account, to fell again; and also to restrain salesmen, brokers, or factors, in cattle, from buying on their own account, to lell again, any live cattle in London, or within the weekly bills of mortality, or which are driving up thereto.

Cap. 41. To amend and render more effectual an act passed in the twenty ninth year of his present Majesty's reign, intituled, An act for inclosing, by the mutual consent of the lords and tenants, part of any common, for the purpose of planting and preserving trees sit for timber or underwood; and for more effectually preventing the unlawful destruction of trees.

Cap. 42. For making perpetual several acts therein mentioned, for preventing theft and rapine on the northern borders of England; for the more effectual punishing wicked and evil disposed persons going armed in disguise, and doing injuries and violences to the persons and properties of his Majesty's subjects, and for the more speedy bringing the offenders to justice; and also two clauses to prevent the cutting or breaking down the bank of any river, or sea bank; and to prevent the malicious cutting of hop binds; for the more effectual punishment of persons maliciously fetting on fire any mine, pit, or delph of coal, or canal coal; and of persons unlawfully hunting or taking any red or fallow deer in forests or chases; or beating or wounding the keepers or other officers in forests, chases, or parks; and also so much of an act as relates to the power of appealing to the circuit courts in civil cases, in Scotland.

Cap. 43. For repairing and widening several roads in the counties of Dorset and Devon, leading to and through the borough of Lyme Regis.

Cap. 44. For repairing the road from the village of Magor, to the bridge-foot, in the town of Chepstow, in the county of Monmouth; and other roads in the counties of Monmouth and Gloucester.

Cap. 45. For ascertaining and collecting the poors rates, and for better regulating the poor in the parish of Saint Mary Magdalen Bermondsey in

the county of Surry.

Cap. 46. To amend an act passed in the last session of parliament, intituled, An act for building a bridge or bridges cross the river of Thames, from a certain place in Old Brentford, in the parish of Ealing, in the county of Middlesex, known by the name of Smith, or Smith's Hill, to the opposite shore in the county of Surrey.

Cap. 47. For the more easy and speedy repairing of publick bridges within

the county of Devon.

Cap. 48. For enlarging the term and powers granted by an act of parliament passed in the twenty sourth year of his present Majesty's reign, for enlarging the term and powers granted by an act passed in the third year of the reign of his present Majesty, for repairing and amending the several roads leading from Woodstock, through Kiddington and Enstone, to Rollright Lane, and Enside to Kiddington aforesaid; and for making the said act more effectual.

Cap. 49. For amending several roads leading

leading from the town of Tiverton,

in the county of Devon.

Cap. 50. For repairing and widening the roads from Donington High Bridge to Hale Drove, and to the Eighth Mile Stone, in the parish of Wigtoft, and to Langret Ferry, in the county of Lincoln.

Cap. 51. For repairing the high road leading from Brent Bridge in the county of Devon, to Gasking Gate, in or near the borough of P'y-

mouth, in the faid county.

Cap. 52. For enlarging the term granted by an act made in the twenty fixth year of his present Majesty's reign, intituled, An all for laying a duty of two pennies Scots, or a fixth part of a penny sterling, upon every Scots pint of ale and beer which shall be brewed for sale, brought into, tap-ped, or sold, within the town and parish of Preston Pans, in the Shire of East Lothian, otherwise Haddingtoun, for repairing the harbour of the faid town, and for other purposes therein mentioned.

Cap. 53. To explain, amend, and render more effectual an act paffed in the ninth and tenth years of the reign of his late majesty King William the Third, intituled, An act for erecting hospitals and workhouses within the city and county of the city of Exon, for the better employing and main-

taining the poor there.

Cap. 54. For repealing so much of the act of the fifteenth year of his present Majesty, for enlarging the term and powers granted by an act of the thirteenth year of his late majesty King George the First, for repairing the roads from Cirencester Town's End to Saint John's Bridge in the county of Gloucester, as directs that the inhabitants of the feveral parithes and hamlets therein named, shall pass toll free; and for repairing the street from the High Cross in Cirencester to the Town's End there; and for other purposes Cap. 59. For building a bridge cross

therein mentioned; and for enlarging the terms and powers granted

by the faid two former acts.

Cap. 55. For enlarging the term and powers granted by an act of the twenty fifth year of his present Majesty's reign, intituled, An all for repairing the post road from the city of Edinburgh, through the counties of Linlithgow and Sterling, from the Boat-house Ford, on Almond Water, and from thence to the town of Linlithgow, and from the faid town of Falkirk, and from thence to Stirling; and also from Falkirk to Kilfyth, and to Inch Bellie Bridge, on the post road to the city of Glasgow; and for building a bridge cross Almond Water.

Cap. 56. For enlarging the powers granted by an act passed in the eighteenth year of the reign of his prefent Majesty, intituled, An act for rendering more effectual the several acts passed for the erecting of hospitals and workhouses within the city of Bristol, for the better employing and maintaining of the poor thereof; and for making the faid act more effectual.

Cap. 57. For making more effectual four several acts of parliament, made in the fixth year of the reign of her late majesty Queen Ann; the eleventh year of the reign of his late majesty King George the First; and in the tenth and thirteenth years of the reign of his present Majesty respectively, for repairing the highways from Old Stratford in the county of Northampton to Dunchurch, in the county of Warwick.

Cap. 58. To continue and render more effectual two acts of parliament made in the twelfth year of the reign of his late Majesty, and in the eighteenth year of the reign of his present Majesty, for repairing the roads leading from Birmingham to Edghill, in the county of Warwick.

the river Trent, at or near a place

call Wilden Ferry.

Cap. 60. To enlarge, alter, and render more effectual, the term and powers of an act of the twelfth year of his present Majesty, for repairing the roads from Bakewell to Chestersield in the county of Derby; and from Chestersield to Worksop in the county of Nottingham, and other roads therein mentioned.

Cap. 61. For repairing and widening the road from Cirencester in the county of Gloucester, to Cricklade in

the county of Wilts.

Cap. 62. For repairing and widening the roads from Little Sheffield, in the county of York, through the towns of Hathersage, Hope, and Castleton, to Sparrowpit Gate, in the county of Derby; and from the Guide Post near Barber's Field Cupola, through Grindleford Bridge, Great Hucklow, Tidswell, Hardgate Wall, and Fairfield, to Buxton, in the county of Derby.

Cap. 63. For repairing the roads from Leeds to Sheffield, in the county of

York.

Cap. 64. For enlarging the terms and powers of two acts of parliament, one passed in the nineteenth year of the reign of his present Majesty, intituled, An act for enlarging the term and powers granted by an act paffed in the twelfth year of the reign of his late majesty King George the First, for repairing the road from the city of Gloucester to Stone, and other roads therein mentioned; and for making the faid act more effectual; and the other passed in the twenty fecond year of the reign of his present Majesty, intituled, An all for continuing two alls of parliament, the one paffed in the thirteenth year of the reign of his late majesty King George the First, for amending the several roads leading from the city of Bristol; and the other passed in the fourth year of the reign of his present Vol. XXII.

Majesty, to explain and amend the same all, and for making the said alls more effectual; and also for repairing other roads therein mentioned; and for making all the said acts more effectual; and for repairing, widening, and keeping in repair, se-

veral other roads.

Cap. 65. For repairing and widening the roads from Tetbury, to the gates on the west of Simond's Hall Down; and from the turnpike gate at the top of Frocester Hill, to the turnpike road from Cirencester towards Bath; and from the field called Bouldown Sleight, to the end of a lane adjoining to the road from Horsley to Tetbury, near Tiltup's Inn; and from the Market House in Tetbury, to the turnpike road on Minchin Hampton Common; and from the faid road in Minchin Hampton Field, unto the turnpike road from Cirencester to Stroud, near Burnt A/b; and from the faid turnpike road, to Tayloe's Millpond in Chalford Bottom, and through Hide, to the bottom of Bourn Hill, in the county of Gloucester.

Cap. 66. For amending, widening, and keeping in repair, the roads leading from Christian Malford Bridge, in the county of Wilts, to Shillingford Gate, in the county of Berks; and also from Swindon to Lyddenton Wall, in the said county

of Wilts.

Cap. 67. For widening and repairing feveral roads leading from the Welch Gate and Cotton Hill, in the town of Shrewsbury, in the county

of Salop.

Cap. 68. For amending the road leading from Pengate in the parish of Westbury, in the county of Wilts, to Latchet's Bridge, near the east end of Market Lavington; and also the road leading from Market Lavington Down, to the turnpike road near Dewey's Water; and also the road leading from Bolesborough, to Stud-



Studley Lane End; and also the road leading from Yarnbrook, to the turnpike road at Melksbam, in the

faid county of Wilts.

Cap. 69. To continue and render more effectual an act made in the fifteenth year of his present Maje-fty's reign, intituled, An act for laying a duty of two pennies scots, or one fixth part of a penny sterling, upon every Scots pint of ale and beer which shall be brewed for sale, brought into, tapped, or sold, within the town of Kirkcaldy, and liberties thereof.

Cap. 70. To enable the trustees appointed for putting in execution an act passed in this session of parliament, intituled, An all for repealing so much of an act of the fifteenth year of his present Majesty, for enlarging the term and powers granted by an all of the thirteenth year of his late majesty King George the First, for repairing the roads from Cirencester Town's end to Saint John's Bridge, in the county of Gloucester, as directs that the inhabitants of the feveral parishes and hamlets therein named, shall pass toll free; and for repairing the street from the High Cross in Cirencester, to the town's end there, and for other purposes therein mentioned; and for enlarging the terms and powers granted by the faid two former acts; to reduce all or any of the tolls granted by the faid act; and for appointing additional truftees for putting the said acts in execution.

Cap. 71. For regulating, governing, preserving, and improving, the oyster fishery in the river Colne, and

waters thereto belonging.

Cap. 72. For extending the navigation of the river Calder, to or near to Sowerby Bridge in the parish of Halifax; and for making navigable the river Heble, Halig or Halifax Brook, from Brooksmouth to Salter Hebble Bridge, in the county of York.

Cap. 73. For repairing and widening the roads from Chawton Pond, in the parish of Chawton, in the county of Southampton, through Rumsdean Bottom, Westmeon, Warnford, Exton, Bishop's Waltham, and over Sherrill Heath, and through Wickham and Fareham, to the town of Gosport; and from Exton aforesaid, through Droxford, to the east end of Sherrill Heath, in the said county.

Cap. 74. For repairing and widening the roads from the town of Bishop's Waltham, in the county of Southampton, over the top of the down called Stephen's Castle Down, and through Salt Lane and Tichborne, to the town of New Alresford; and from the Market House in the said town of New Alresford, through Old Alresford, Bradley Lane, and over Herriard Common, to the town of Odiham in the said county.

Cap. 75. For repairing and widening the roads from the town of Stock-bridge, in the county of Southampton, to the city of Winchester; and from the said city, through Bellmour Lane, to the top of Steven's Castle Down, near the town of Bishop's Waltham, in the said county; and from the said city of Winchester, through Otterborne, to Bargate, in the town and county of the town

Cap. 76. For relief of the coalheavers working upon the river Thames; and for enabling them to make a

provision for such of themselves as shall be sick, lame, or past their labour, and for their widows and

orphans.

of Southampton.

Cap. 77. For repairing and widening the road from the Swan Inn at Leatherhead, to the Maypole at the upper end of Spital or Somerfet Street, in the parish of Stoake, near the town of Guldeford, in the county of Surry.

Cap. 78. For repairing and widening

the road from the town of Guldeford, to the Directing Post near the town of Farnbam, in the county of Surrey.

Private Acts.

Anno 31 Georgii II.

- wich, Wellbore Ellis esquire, and Thomas Potter esquire, to take in Great Britain, the oath of office as vice treasurer and receiver general and paymaster general of all his Majesty's revenues in the kingdom of Ireland; and to qualify themselves for the enjoyment of the said offices.
- 2. An act for transferring certain South Sea annuities, standing in the name of the late treasurer to the commissioners for building fifty new churches, unto the respective rectors of eight of those churches, and for vesting certain sites for churches purchased by the said commissioners, in trustees, in order to sell the same for the purposes therein mentioned.
- and John Anthony Rucker of London, merchants, agents for the Embden East India company, to fell and dispose of the cargo of the ship the Prince Ferdinand of Prussia, to the united company of merchants of England trading to the East Indies, and to enable the said united company to purchase land, sell, and dispose of, the same or any part thereof; and to impower the said George Amyand and John Anthony Rucker, to make insurances upon the said ship and cargo.
- 4. An act to enable Mary Woollett fpinster (notwithstanding her infancy) upon her marriage with Robert Mead Wilmot esquire, to settle and convey her estate and interest in certain messuages, lands, and hereditaments, in the county

- of Kent, and in two feveral fums of two thousand pounds, and three hundred pounds, to the uses in certain articles of agreement mentioned.
- 5. An act to dissolve the marriage of Godfrey Wentworth esquire, with Dorothea Pilkington his now wife, and to enable him to marry again, and for other purposes therein mentioned.
- 6. An act for dividing and inclofing certain wastes or commons called Brancepeth, and Stockley moors or commons, within the manor and parish of Brancepeth, in the county of Durham.
- 7. An act for dividing and inclosing certain open and common fields, in Great Glen, in the county of Leicester, called the Upper or North End Fields, and all the common pastures, common meadows, and common and waste grounds, within the said fields.
- 8. An act for naturalizing George Clifford.
- o. An act for vesting the forests and manors of Singleton and Charlton, and other manors, lands, tenements, and hereditaments, in the counties of Sussex and Wilts, in trustees, and their heirs, upon the trusts therein mentioned, freed and discharged from the estates, uses, and trusts, to which the same are at present subject; and for other purposes therein mentioned.
- the moors and commons within the chapelry of Hamsterly, in the manor of Wolfingham, in the county of Durham.
- of lease of mines between Charles duke of Queensborough and Dover, of the one part; and Ronald Crawfurd, James Crawfurd, and Daniel Telfer, of the other part; and for enabling the said duke, and his heirs of entail, to grant leases in terms



terms of the faid contract.

12. An act to enable John earl of Egmont, in the kingdom of Ireland, to raile money for purchasing lands in Great Britain, for the purpoles of his marriage lettlement by mortgage, instead of sale, of part of his

Irisb estate.

13. An act for felling divers lands and tenements, and thares of lands and tenements, in London, Middlesex, and Surrey, of and belonging to Ralph earl of Verney, in the kingdom of Ireland, Mary, countels of Verney, and Dame Henrietta Maria Clayton, respectively, and for laying out the money arising by such sale in purchafing other lands and hereditaments to be settled in lieu thereof.

14. An act to enable Sir Maurice Crosbie knight, or any future guardian of Francis Thomas earl of Kerry and Lixnaw, in the kingdom of Ireland, a minor, to discharge an incumbrance on certain collieries and coal mines in the county of Durham, part of the estate of the

faid earl.

15. An act for carrying into execution, feveral contracts made by, or on behalf of, James late lord Bulkeley, in the kingdom of Ireland, in his life-time, for the fale of feveral lands and tenements, in the county of Anglesey; and for applying the purchase-money to discharge incumbrances affecting the same.

16. An act for fettling the leveral charities of the hospital and free school at Kirkleatham, in the county of York, of the foundation of Sir William Turner knight, decealed, and the possessions and revenues thereunto belonging, pursuant to the will and codicil of Cholmley Turner, late of Kirkleatham aforefaid, el-

quire, decealed.

17. An act to enable Charles Bagot, now called Charles Chefter, and his ions, to take the furname of Chefter, and for carrying an agreement,

therein mentioned, into execution.

18. An act for vesting in William Read esquire, and his heirs, several intailed estates in the county of York, in order that the same may be fold; and for the fettling another estate in the said county of York, to the like uses.

19. An act for vesting part of the lands, tenements, and hereditaments, fettled on the marriage of William Norris esquire, in the said William Norris, and his heirs; and for fettling other lands in lieu

thereof.

20. An act to vest part of the settled estate of Penyston Powney esquire, deceased, in trustees, to be sold, and to lay out the money arising from the fale thereof, in real estates, to be fettled to the same uses.

21. An act to dissolve the marriage of George Forster Tuffnell esquire, with Elizabeth Forster, his now wife, and to enable him to marry again, and for other purpoles therein

mentioned.

22. An act for establishing agreements made between Charles Brandling elquire, and other persons, proprietors of lands, for laying down a waggon way, in order for the better supplying the town and neighbourhood of Leeds, in the county of York, with coals.

23. An act to confirm and establish articles of agreement for dividing and inclosing several open and common fields in Ottringham, in

the county of York.

24. An act for confirming and eftablishing articles of agreement for dividing and incloting the open common fields, common meadow, commons and waste grounds, in the townships of Brompton and Sawden, in the parish of Brompton, in the north riding of the county or York.

25. An act for establishing and confirming articles of agreement for



dividing and inclosing two stinted pastures or commons called Settle Banks, High Scarr, and Scaleber within the township of Settle, in the county of York.

Newton Moor or Newton Common, within the manor of Newton cum Benningbrough, in the county of

York.

27. An act for dividing and inclosing the common and open fields, common pastures, common meadows, common pieces, common grounds, and waste grounds, in the township of Geydon, in the parish of biship's Itchington, in the county of Warwick.

28. An act for dividing and allotting certain fields, meadow grounds, and common pastures, in the manor and township of Skirpenbeck, in the county of York, and for other

purposes therein mentioned.

29. An act for dividing and inclosing certain open and common fields called Northleigh Common Fields, and a common or waste called Northleigh Heath, within the parish or township of Northleigh, in the

county of Oxford.

30. An act for dividing and inclosing the common fields, common pattures, common meadows, common grounds, heaths, and waste ground, of Upper Boddington, and Lower Boddington, within the parish of Upper Boddington, in the county of Northampton, and for settling a rate or certain annual sum of money to be paid in lieu of the tithes of certain old inclosures within the said parish.

31. An act for dividing and inclosing the common fields, common pattures, common meadows, common grounds, and waste grounds, in the manor and lordship of Woodford, otherwise Halfe Woodford, in the

county of Northampton.

32. An act for dividing and inclosing

the common, open, and arable fields, and common meadows, in the manor and parish of *Hareby*, in the county of *Lincoln*.

33. An act for dividing and inclosing the open and common fields, common meadows, common ground, and waste grounds, in the manor and parish of Helmdon, in the county

of Northampton.

- 34. An act for confirming and establishing articles of agreement for dividing and inclosing certain common fields within the manor o Wilnecote, in the county of Warwick; and also for erecting and working one or more fire engine or fire engines, for the more effectual draining the coal mines in the said manor.
- 35. An act for dividing and inclosing certain open and common fields, in the hamlet, township, or village of Upton, in the parish of Blewbury, in the county of Berks.
- 36. An act for confirming and eftablishing certain articles of agreement, for dividing and inclosing the open common fields in the parish of Edithwessen, in the county of Rutland.
- 37. An act for naturalizing Anthony Fonblanque, and Nicholas Baptist Aubert.
- 38. An act for naturalizing John Baptist D'abbadie.
- 39. An act for separating Lawrence earl Ferrers, from Mary countess Ferrers his wife, for the cruelty of the said earl; and for settling a maintenance for the said countess, out of the estate of the said earl.
- 40. An act to enable the dean and chapter of the collegiate church of Saint Peter at Westminster, and their successors, to make and grant unto fames Mallors a lease or leases of certain pieces of ground, messuages, tenements, and hereditaments, comprized within certain limits, for a longer term of years than they

they are at present enabled to

grant.

41. An act for sale of the estates of Marmaduke Gwynne elquire, in the county of Pembroke, to discharge incumbrances affecting the lame, and for other purpoles therein mentioned.

42. An act for naturalizing John Knight.

Anno 32 Georgii II.

Cap. 1. To continue, for a limited time, an act made in the last feffion of parliament, intituled, An act to permit the importation of falted beef, pork, and butter, from Ireland, for a limited time, and to amend the faid act.

Cap. 2. To continue, for a farther time, the prohibition of the exportation of corn, mult, meal, flour, bread, biscuit, and starch; and also to continue, for a farther time, the prohibition of the making of low wines and spirits from wheat, barley, malt, or any other fort of grain, or from meal or flour; and to prohibit, for a limited time, the making of low wines and spirits from bran.

Cap. 3. For granting an aid to his Majesty by a land tax to be raised in Great Britain, for the service of the year one thousand seven hun-

dred and fifty nine.

Cap. 4. For continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the fervice of the year one thoufand feven hundred and fifty nine.

For punishing mutiny and defertion; and for the better payment of the army and their

quarters.

Cap. 6 To explain and amend an act paffed in the twenty fecond year of his present Majesty's reign, intituled. An act for the more caly and speedy recovery of small debts Cap. 14. For the more regular and

within the town and borough of Southwark, and the several parishes of Saint Saviour, Saint Mary at Newington, Saint Mary Magdalen Bermondsey, Christ Church, Saint Mary Lambeth, and Saint Mary at Rotherhith, in the county of Surrey, and the several precincts and liberties of the same; and for extending the powers and provisions of the faid act to such part of the eastern half of the hundred of Brixton, in the faid county, as is not included in the faid act.

Cap. 7. To indemnify persons who have omitted to qualify themselves for offices and employments within the time limited by law; and for allowing further time for that

purpole.

Cap. 8. For taking off the prohibition of the exportation of corn, malt, meal, flour, brea; biscuit, and starch.

Cap. 9. For the regulation of his Majesty's marine forces while on

inore.

Cap. 10. For granting to his Majesty a subsidy of poundage upon certain goods and merchandizes to be imported into this kingdom; and an additional inland duty on coffee and chocolate; and for raifing the fum of fix millions fix hundred thousand pounds, by way of annuities and a lottery, to be charged on the faid fubfidy and additional inland duty.

Cap. 11. To permit the free importation of cattle from Ireland for a

limited time.

Cap. 12. To discontinue, for a limited time, the duties payable upon tallow imported from Ireland.

Cap. 13. For draining and preferving certain fen lands and low grounds in the parishes of Somersham, and Pidley with Fenton, and the parish of Colne, in the county of Huntingdon.

eafy collecting, accounting for, and paying, of post fines, which shall be due to the crown, or to grantees thereof under the crown; and for the ease of sheriffs in respect to the fame.

Cap. 15. For the better preservation of the turnpike roads in that part of Great Britain called Scotland.

Cap. 16. To continue, amend, explain, and render more effectual, an act made in the fixth year of the reign of his present Majesty, for the better regulation of laitage and ballastage in the river Thames, and to prevent putting of rubbith, ashes, dirt, or foil, into the laid river, and in the streets, passages, and kennells, in London, and in the suburbs thereof in Middlesex, and in Westminster, and such part of the dutchy of Lancafter as is in Middle-Jex; and for allowing a certain quantity of dung, compost, earth, or foil, to be yearly shipped as ballast from the laystalls in London on board any collier or coafting vef-

Cap. 17. For obviating a doubt with respect to the summoning of perfons for offences committed against, or forfeitures incurred by, the laws of excile.

Cap. 18. To continue to much of an act made in the nineteenth year of the reign of his prefent Majesty, as relates to the further punishment of persons going armed or disguised, in defiance of the laws of customs or excise; and to the relief of the officers of the customs in informations upon leizures; and to appropriate certain penalties mentioned in an act made in the last session of parliament, for the due making of bread; and to regulate the price and affize thereof; and to punish persons who shall adulterate meal, flour, or bread.

Cap. 19. To explain and amend an act passed in the thirtieth year of his present Majesty's reign, for granting to his Majesty several rates and duties upon indentures, leates, bonds, and other deeds; and upon news papers, advertilements, and almanacks; and upon licences for retailing wine; and other purpoles in the faid act mentioned; fo far as the same relates to some provisions with regard to licences for retailing wine; and to preserve the privileges of the two universities in that part of Great Britain called England, with respect to licences for retailing wine.

Cap. 20. For enforcing the execution of the laws relating to the militia; and for removing certain difficulties, and preventing inconveniencies, attending, or which may at-

tend, the fame.

Cap. 21. For applying the money granted in this fession of parliament, towards defraying the charge of pay and cloathing for the militia from the thirty first day of December, one thousand seven hundred and fifty eight, to the twenty fifth day of March, one thousand feven hundred and fixty.

Cap. 22. For adding certain annuities granted in the year one thoufand seven hundred and fifty seven, to the joint stock of three per centum annuities, consolidated by the acts of the twenty fifth, twenty eighth, and twenty ninth, years of his present Majesty's reign; and for carrying the feveral duties therein mentioned to the finking fund;

and for charging the annuities on fingle lives, granted in the year one thousand seven hundred and fifty feven, on the produce of the faid

Cap. 23. To continue several laws therein mentioned, relating to the allowing a drawback of the duties upon the exportation of copper bars imported; to the encouragement of the filk manufactures; and



for taking off feveral duties on merchandize exported, and reducing other duties; to the premium upon masts, yards, and bowsprits, tar, pitch, and turpentine; to the encouraging the growth of coffee in his Majesty's plantations in America; to the fecuring the duties upon foreign made fail cloth, and charging foreign made fails with a duty; and for enlarging the time for payment of the duties omitted to be paid on the indentures and contracts of clerks, apprentices, or fervants; and allo for making affidavits of the execution of articles or contracts of clerks to attornies or follicitors, and filing thereof.

Cap. 24. To amend an act made in the last session of parliament, for repealing the duty granted by an act made in the fixth year of the reign of his late Majesty on silver plate, and for granting a duty on licences to be taken out by all perfons dealing in gold or filver plate, by permitting the fale of gold or filver plate in small quantities without licence; and by granting a duty instead of the duty now payable upon licences to be taken out by certain dealers in gold or filver plate; and also a duty upon licences to be taken out by pawnbrokers dealing in gold or filver plate, and refiners of gold or filver.

Cap. 25. To explain and amend an act made in the twenty ninth year of his present Majesty's reign, intituled, An act for the encouragement of seamen, and the more speedy and effectual manning his Majesty's navy; and for the better prevention of piracies and robberies by crews of private ships of war.

Cap. 26. For applying a sum of money granted in this session of parliament towards carrying on the works for fortifying and securing the harbour of Milford in the county of Pembroke; and to amend and

render more effectual an act of last session of parliament, for applying a sum of money towards fortifying the said harbour.

Cap. 27. For continuing, amending, explaining, and making more effectual, an act made in the nine-teenth year of his present Majesty's reign, intituled, An act more effectually to prevent the frauds and abuses committed in the admensurement of coals within the city and liberty of Westminster, and that part of the dutchy of Lancaster adjoining thereto, and the several parishes of Saint Giles in the Fields, Saint Mary le Bon, and such part of the parish of Saint Andrew, Holborn, as lies in the

Cap. 28. For relief of debtors with respect to the imprisonment of their persons; and to oblige debtors, who shall continue in execution in prison beyond a certain time, and for sums not exceeding what are mentioned in the act, to make discovery of, and deliver upon oath, their estates for their

creditors benefit.

county of Middlesex.

Cap. 29. For further regulating the power of taking samples of foreign spirituous liquors by the officers of excise; and also for impowering the traders to take such samples before the duties are charged.

Cap. 30. For making compensation to the proprietors of such lands and hereditaments as have been purchased for the better securing his Majesty's docks, ships, and stores, at Chatham, Portsmouth, and Plymouth, and for better fortistying the town of Portsmouth, and citadel of Plymouth, in pursuance of an act of the last session of parliament; and for other purposes therein mentioned.

Cap. 31. For granting to his Majesty certain sums of money out of the sinking fund; and for applying certain monies remaining in the exche-

exchequer for the service of the year one thousand seven hundred and sifty nine; and for relief of Samuel Taylor, with respect to a bond entered into by him for securing the duties on tobacco imported.

Cap. 32. For the more effectual preventing the fraudulent importation of cambricks and French

lawns.

Cap. 33. To explain and amend an act made in the last session of parliament, intituled, An act for granting to his Majesty several rates and duties upon offices and pensions; and upon houses; and upon windows or lights; and for raising the sum of sive millions by annuities and a lottery, to be charged on the said rates and duties; so far as the same relates to the rates and duties on offices and pensions.

Cap. 34. For the better preventing the importation of the woollen manufactures of France into any of the ports in the Levant sea, by or on the behalf of any of his Majesty's subjects; and for the more effectual preventing the illegal importation of raw silk and mohair yarn

into this kingdom.

Cap. 35. For augmenting the salaries of the puisne judges in the court of King's Bench, the judges in the court of Common Pleas, the barons of the coif in the court of Exchequer at Westminster, the judges in the courts of Session and Exchequer in Scotland, and justices of Chester, and the great sessions for the counties in Wales.

Cap. 36. For enabling his Majesty to raise the sum of one million for the uses and purposes therein mentioned; and for further appropriating the supplies granted in this

fession of parliament.

Cap. 37. For repairing and widening the high road leading from the town of Mansfield in the county of Nottingbam, through the towns of Pleasley, Glapwell, Heath, and Normenton, and the liberty of Hasland, to the turnpike road leading from the town of Derby, to the town of Chestersield in the county of Derby.

Cap. 38. For repairing and widening the roads from Chappel Bar, near the west end of the town of Nottingham, to Newhaven; and from The Four-Lane-Ends near Oakerthorpe, to Ashborne; and from the Cross Post on Wirksworth Moor, to join the road leading from Chestersield, to Chappel-en-le-Frith, at or near Longston in the county of Derby; and from Selston, to Annesley Wood-house in the county of Nottingham.

Cap. 39. For repairing and widening the roads from the east end of
the town of Chard, to the south
end of West Moor; and from the
west end of the Yeovil turnpike
road, through Ilmister, to Kenny
Gate; and from the west end of
Pease Marsh Lane, to Horton Elm;
and from Saint Raine Hill, to Ilmister; and from White Cross, to Chillington Down; and from a place
called Three Oaks, over Ilford Bridges,
to Bridge Cross in the county of
Somerset.

Cap. 40. For repairing several roads leading to the town of Bridgewater, in the county of Somerset; and for amending and rendering more effectual several acts for amending several roads from the cities of Gloucester and Bristol, and several

Gloucester and Bristol, and several other roads in the said acts mentioned, in the counties of Somerset

and Gloucester.

Cap. 41. For repairing and widening the road from the cross at Broken Cross in Macclessield, in the county of Chester, through Macclessield Forest, to the present turns ke road at the south end of the township of Buxton, in the county of Derby.

Cap. 42. For making the river Stort navigable, in the counties of Hert ford and Effex, from the New Bridge

in the town of Bishop Stort ford, into the river Lee, near a place called The Rye, in the county of Hert-

ford.

the road from Chestersield to the turnpike road at Hernstone-Lane-Head; and also the road branching from the said road upon the East Moor, through Baslow and Ward-low, to the joining of the said roads again near Wardlow Mires; and also the road leading between the said road and branch from Calver-Bridge, to Baslow Bridge; and also the road from the turnpike road near Newhaven House, to the turnpike road near Grindleford Bridge,

in the county of Derby.

Cap. 44. To continue, amend, and make effectual an act passed in the twelfth year of the reign of his prefent Majesty, intituled, An act for repairing the roads from the northwest parts of the county of Lincoln, through Nettlam Fields, Wragby Lane, and Baumber Fields, to the Wolds, or North-east part of the faid county; and also for repairing and widening the roads from the Well, in East gate in the city of Lincoln, and from the north-west end of Horncastle, and from the Guide Post at the east end of Hainton, through Barkwith, to the roads directed to be repaired by the said act.

Cap. 45. For repairing, widening, and rendering fafe and commodious, feveral roads leading from the town of Southmolton in the county

of Devon.

Cap. 46. For repairing and widening the road from a place called The Old Gallows, in the parish of Sunning, in the county of Berks, through Wokingham, New Bracknowl, and Sunning Hill, to Virginia Water, in the parish of Egham, in the county of Surry.

Cap. 47. To amend and explain an

act made in the third year of his present Majesty's reign, intituled, An act for making navigable the river Stroudwater, in the county of Gloucester, from the river Severn, at or near Framiload, to Wallbridge, near the town of Stroud, in the same county.

Cap. 48. For repairing the road from Wakefield to Austerlands, in the west riding of the county of York.

Cap. 49. For the better enlightening and cleanfing the open places, streets, squares, lanes, courts, and other passages, within the part of the manor and liberty of Norton Folgate, otherwise Norton Folley, in the county of Middlesex, which is extraparochial: and regulating the nightly watch and beadles therein.

Cap. 50. For repairing and widening the roads from Oxdown Gate, in Popham Lane, in the city of Winchefler; and from the said city, through Hursley, to Chandler's Ford; and from Hursley aforesaid, to the turnpike road at Romsey; and from the said turnpike road, through Ringwood, in the county of Southampton, to Longham Bridge and Winborne Minster, in the county of Dorset.

Cap. 51. To explain, amend, and render more effectual, the powers granted by several acts of parliament for repairing several roads leading to the city of Bath; and for amending several other roads near

the faid city.

Cap. 52. For amending, widening, and keeping in repair the road from the Hollow IVay to the west side of lord Clifford's park gate, where the Exeter turnpike road ends, to a place called Biddaford, in the county of Devon.

Cap. 53. For repairing and widening the roads from Grantham, in the county of Lincoln, through Bettesford and Bingham, to Nottingham Trent Bridge; and from Chappel Bar.

Bar, near the west end of the town of Nattingham, to Saint Mary's Bridge in the town of Derby; and from the guide post in the parish of Lenton, to Sawly Ferry.

Cap. 54. For repairing and widening the road from *Dewsbury* to *Ealand*, in the west riding of the county of

York.

Cap. 55. For repairing and widening the roads from the town of Mold to the town of Denbigh, and from thence to Tal-y-Cafn and Conway; and from the town of Wrexham to the towns of Ruthin, Denbigh, and the town and port of Ruthland, in the counties of Denbigh, Flint, and Carnarvon.

Cap. 56. For laying a duty of two pennies Scots, or one fixth part of a penny sterling, upon every Scots pint of ale, porter, and beer, which shall be brewed for sale, brought into, tapped, or sold, within the town of Kelso, in the shire of Rox-burgh, for finishing a bridge cross the river Tweed, and for other pur-

poses therein mentioned.

Cap. 57. For repairing and widening the roads from a place called Little-gate, at the top of Leadenham Hill, in the county of Lincoln, to the west end of Barnby Gate, in Newark upon Trent; and from the guide post at the division of Kelham and Mask-ham Lanes, to Mansfield; and from Southwell to Oxton, in the county of Nottingham.

Cap. 58. For establishing, regulating, and maintaining a nightly watch, and for enlightening the open places and streets, within the town of Guildford in the county of Surrey.

Cap. 59. To explain, amend, and render more effectual, an act passed in the sixth year of the reign of her late majesty Queen Anne, intituled, An act for erecting a workhouse in the town and borough of Plymouth in the county of Devon; and for setting the poor on work, and maintaining them

there; and for obliging the mayor and commonalty of Plymouth to contribute towards the county rates of Devon; and for applying, for the relief of the poor in the said workhouse, certain surplus monies which have formerly arisen by the affestments for raising the land tax in the said town.

Cap. 60. For repairing and widening the road from the town of *Derby* to the town of *Newcastle under Lyne*,

in the county of Stafford.

Cap. 61. For discharging the inhabitants of the town of Manchester, in the county palatine of Lancaster, from the custom of grinding their corn and grain, except malt, at certain water corn mills in the said town, called The School Mills; and for making a proper recompence to the seoffees of such mills.

Cap. 62. For improving the navigation of the river Clyde to the city of Glasgow; and for building a bridge cross the said river, from the said city to the village of Gorbells.

Cap. 63. To continue and amend two acts, one made in the thirteenth year of the reign of his late majesty King George the First, and the other in the seventeenth year of his present Majesty, for repairing certain roads leading from Chippenham, and for repairing several roads leading from Chippenham Bridge; and to repeal so much of an act made in the twenty ninth year of his present Majesty, as relates to the road between the said bridge and Lower Stanton in the county of Wilts.

Cap. 64. For making and completing the navigation of the river Wear, from and including South Biddock, or Biddock Ford, in the county of Durham, to the city of Durham; and for repealing to much of an act made in the twentieth year of his present Majesty's reign, intituled, An act for the better preservation and imprevement of the river Wear,

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A TABLE of the STATUTES.

Wear, and part and baven of Sunderland, in the county of Durham; as relates to making the faid river navigable between the faid two places called South Biddock, or Biddock Ford, and New Bridge, in

the county of Durham.

Cap. 65. For continuing, amending, and rendering more effectual, io much of an act made in the twentieth year of his present Majesty's reign, intituled, An act for the better preservation and improvement of the river Wear, and port and haven of Sunderland, in the county of Durham; as relates to the port and haven of Sunderland, and the river Wear, between South Biddock, or Biddock Ford, and the said port and haven.

Cap. 66. For amending and widening the roads leading from Stretford's Bridge in the county of Hereford, to the new inn in the parish of Winstanstow in the county of Salop; and also the road from Blue Mantle Hall, near Mortimer's Cross, to Asmstrey in the said county of Hereford; and for repealing so much of an act made in the twenty second year of the reign of his present Majesty, as relates to the road from Mortimer's Cross to Asmstrey Bridge.

Cap. 67. For repairing the road from the fouth end of the fouth street, in the parish of South Malling, near the town of Lewes, to Glynd-bridge; and from thence through Firle Street under the Hill, to Long-bridge in the parish of Alfriston, in the county of Sussex.

Cap. 68. For repairing and widening the road from *Modbury*, through the town of *Plympton*, to the north end of *Lincotta Lane*, in the county

of Devon.

Cap. 69. For repairing, amending, and widening the roads from the fouth west end of Nether Bridge, in the county of Westmorland, by Sizerghsellside, to Levens Bridge,

and from thence through the town of Millthrop, to Dixies; and from the town of Millthrop aforesaid to Hangbridge, and from thence to join the Heron Syke turnpike road, at the guide post near Clawthrop Hall, in the county aforesaid.

Cap. 70. For repairing and widening the road leading from the east side of Barnesley Common, in the county of York, to the middle of Grange Moor, and from thence to White Cross; and also the road from the guide post, in Barugh, to a rivulet called Barugh Brook, and from thence for two hundred yards over and beyond the same rivulet or brook into the township of Caw-thorne, in the said county.

Cap. 71. For repairing and widening the high road from Wetherby to Graffington, in the county of York.

Private Acts.

Anno 32 Georgii II.

1. An act for dividing and inclosing the common fields, common paltures, common meadows, common grounds, and waste grounds, in the parish of Ecton, in the coun-

ty of Northampton.

Francis duke of Bridgewater, to make a navigable cut or canal from a certain place in the township of Salford, to or near Worsley Mill, and Middlewood, in the manor of Worsley, and to or near a place called Hollin Ferry, in the county palatine of Lancaster.

3. An act for dividing and inclosing the open, arable, meadow, pasture, and waste grounds, in the parish of *Honington*, in the county of *War-*

wick.

4. An act for establishing and rendering esfectual, certain articles of agreement for inclosing and dividing the commons and waste grounds,

grounds, in the townships of Bentley and Arksiy, and parish of Ark-

Jey, in the county of York.

5. An act for dividing and inclosing the open fields and meadows, common pasture, and waste grounds, in the manor and parish of Staunton, in the county of Nottingham.

6. An act for dividing and inclosing the open, arable, meadow, pasture, and waste grounds, in the parish of Preston upon Stower, in the county

of Gloucester.

7. An act for dividing and inclosing certain open and common fields in Great Glen, in the county of Leicester, called the Nether or South End Fields, and all the lands and grounds within the same fields.

 An act for dividing and inclosing feveral common fields and grounds within the manor of Fillingham, in

the county of Lincoln.

9. An act for dividing and inclosing the common fields, common pastures, common meadows, and common ground, within the manor and parish of Willoughby, in the county of IVarwick.

Jo. An act to dissolve the marriage of fohn Cooke esquire, with Susannah Cooper his now wife, and to enable him to marry again; and for other

purposes therein mentioned.

rington esquire, now called Christopher Bethell, and his heirs male, to take and use the surname and arms of Bethell, pursuant to the will of Slingsby Pethell esquire, deceased.

ing, and confirming, the furname and arms of Bootle, unto Richard Wilbraham Brotle esquire, formerly called Richard Wilbraham, and Mary Wilbraham Bootle his wife, and their iffic, purfuant to the will of Sir Thomas Bootle knight, deceased.

13. An act to enable Thomas Peckham efquire, and his issue, to take and

use the furname of Fowle.

14. An act to enable John Coant gentleman, and his issue, to take and use the surname of Wakelin.

15. An act for naturalizing Casper Schoombart, John Spitta, Gysbert Van Voorst, Frederick de Chevrigny, Conrad Harksen, Christopher Strothoff, and Jasper Laurence Richter.

16. An act for naturalizing Thomas Pecholier, Peter Harrison, and Sa-

muel Bernard Graff.

17. An act for naturalizing Phillippis Willem Cassimir Van Straubenzee,

esquire.

18. An act for exemplifying or inrolling an indenture of settlement, and the will and codicils of the late earl of Arran, deceased, and making the same evidence as well in Ireland as Great Britain.

one open and common field called Neithrop Field, and the several parcels of land called Bull's Close, The Hooks Common, Balkes Leys, White Post, Cow Layer, Paddock, Great March Causeways, and Ley, within the township and liberties of Neithrop and Wickham, and in the parish of Bambury, in the county of Oxford.

20. An act for establishing and rendering effectual, certain articles of agreement for the inclosing and dividing certain commons or waste grounds called Redness and Swinester Pastures, in the county of

York.

21. An act for vesting divers manors, lands, and hereditaments, in the counties of Bucks, Northampton, Salop, and Stafford, devised by the will of Evelyn late duke of Kingston, in the present duke of Kingston, in fee simple; and for settling other manors, lands, and hereditaments, in the county of Nattingham, of greater value, in lieu thereof, to the like uses.

22. An act for confirming and establishing an exchange agreed to be

made between the most noble John duke of Bedford, and Ambrose Reddall gentleman, Judy his wife, and

Elizabeth their only child.

13. An act for vesting part of the estates intailed by the will of the most
noble Charles Noel duke of Beaufort,
deceased, in trustees to be sold;
and for purchasing other estates to
be settled to the like uses; and for
impowering the guardian and trustees named in the said will, to make
leases of the said duke's estates, in
the counties of Gloucester, Wilts,
Hants, Devon, Dorset, Glamorgan,
and Brecon, during the minority of
his children.

24. An act for settling the real and leasehold estates of the most honourable Margaret Brydges, commonly called marchioness of Carmarven, wife of the most honourable James Brydges esquire, commonly called marquis of Carnarven, and late Magaret Nicoll, spinster, an infant, for the benefit of the said marquis and marchioness, and their iffue; and for applying part of the personal estate of the said marchioness for the purposes therein mentioned.

Arthur earl of Powis, and Barbara countess of Powis, to make leases of the estate late of William marquis of Powis, deceased, in the county of Montgomery, for twenty one years, or three lives, at the improved rent.

26. An act for making a partition and division of certain lands and here-ditaments, in the county of Surrey, agreed to be purchased by Thomas late lord Onslow, and for settling and limiting the same, for the benefit of the several persons claiming, under his marriage settlement and will, respectively; and also for selling and disposing of timber growing on the estate devised, by his will, for the purposes therein mentioned.

27. An act for raising money out of

the personal estate of the late duches of Buckinghamshire and Normanby, deceased, to renew a lease of certain manors and estates in the county of York, in the manner, and for the purpose: therein mentioned.

28. An act to enable William Walley and others to fell and convey three undivided fourth parts of a meffuage or farm, and several pieces or parcels of land and hereditaments, lying in or near the parish of Hayes, in the county of Kent, unto the right honourable William Pitt, in fee simple, and for investing the purchase-money in other lands and hereditaments, to be fettled to the same uses and estates, as the laid three undivided fourth parts are now subject to; and to enable the trustees named in the will of William Cleaver the elder, decealed, to convey certain pieces or parcels of land, in the parish of Hayes atorelaid, part of the estate devised by the will and codicil of the faid William Cleaver, unto the faid William Pitt, in fee simple, in exchange for part of the faid first mentioned lands.

29. An act to repeal an act made in the last session of parliament, intituled, An act to enable Charles Bagot, now called Charles Chester, and his sons, to take the surname of Chester, and for carrying an agreement therein mentioned, into execution; and for explaining and altering that agreement, and giving better directions for the carrying the same, so explained and altered, into execution.

30. An act for carrying into execution the articles made on the marriage of Sir Edward Blackett baronet, with dame Anne his wife, by a fettlement to be made with, and under, certain variations and provisions, more beneficial for the issue of the said marriage.

31. An act to impower the honourable Edward Bouverie and William

Bous

Bouverie, respectively, to make leases of Chester's Key and Brewer's Key, and other tenements and buildings, in the city of London, devised by the wills of Bartholomew Clarke and Hitch Younge, elquires, deceafed.

32. An act to impower certain perions to enfranchise several customary lands and hereditaments, parcel of the several manors of Nicol Forest, Solport and Beweastle, in the county of Cumberland, late the eltates of the honourable Catherine Widrington widow, deceased, directed to be lettled to certain ules, by the will and codicil of the faid Catherine Widrington; and for other purposes therein mentioned.

33. An act for transferring to the guardians of Charles William Molyneux, an infant, a certain power of leasing, contained in the marriage fettlement of Richard late lord vifcount Molyneux deceased, during the minority, and for the benefit,

of the faid infant.

24. An act to exchange lands between Samuel Wegg esquire, and the dean and chapter of the cathedral church of Saint Paul, in the city of London.

- 35. An act for vesting divers lands and hereditaments in the counties of Cornwall and Devon, fettled and entailed on Denys Rolle esquire, and his iffue, in him, in fee fimple, and for fettling other lands and hereditaments in the faid county of Devon, of greater value, to the same ules.
- 36. An act for vesting the manor of Duxford, and divers lands and hereditaments in the county of Cambridge, part of the settled estate of Fames Barry esquire, and Elizabeth his wife, in trustees, to be conveyed to Richard Crop esquire, pursuant to articles, and for fettling other estates in the county of York, of greater value, in lieu thereof, to the uses of their marriage articles.

37. An act for fale of the inheritance of part of the settled estate of John Caryll esquire, in the county of Suffex, to discharge incumbrances af-

fecting the same.

38. An act to impower William Warburton esquire, to make leases of part of his settled estate in Malvern Chace, for ninety nine years, in order for the cultivating and improv-

ing of the same.

39. An act for fale of part of the fettled estates of Thomas Buckley esquire, in the county of Lancaster, for discharging an incumbrance affecting the same, prior to his mar-

riage lettlement.

40. An act for giving further time to trustees, therein named, to execute certain trusts vested in them, in and by an act of parliament made in the fixteenth year of the reign of his present Majesty, intituled, An act for vesting the remainder in fee of several lands in Ireland, in trustees, in order to fell the same to protestant purchasers.

41. An act for dividing and inclosing feveral open fields, meadows, and commons, within the lordship and liberty of Loughborough, in the

county of Leicester.

42. An act for dividing and inclofing certain open and common fields, called Little Barrington common fields, and a common or wafte called The Downs, within the manor of Little Barrington, in the county of Gloucester.

43. An act for dividing and inclosing the open and common fields of Hoton, in the county of Leicester, and all the lands and grounds

within the lame fields.

44. An act for dividing and inclosing the open arable fields, open meadows, and common pasture grounds. in the parish of Sileby, in the county of Leicester.

45. An act for inclosing and dividing the common fields and common grounds

grounds of, and in, the manor and parish of Harmston, in the county of Lincoln.

46. An act for dividing and inclosing feveral fields, meadows, pastures, common and waste grounds in the parish of Everton, in the county of

Nottingham.

47. An act for dividing and inclosing the open and common fields of Breedon, Tonge, and Wilson, in the manor of Breedon, and county of Leicester, and certain commonable and waste grounds, within the re-

spective liberties thereof.

48. An act for inclosing and dividing the common fields, in the manor of East Cotham, in the county of York, and extinguishing the right of warren of the lord of the said manor in part of a tract of ground called the Sea Batts, or Coney Warren, in East Cotham aforesaid.

49. An act for dividing and inclosing the open fields and meadows, common pasture, and waste grounds, in the manor of Thistleton, in the

county of Rutland.

50. An act for dividing and inclosing the common fields, common paftures, common meadows, common grounds, and waste grounds, in the manor and parish of Slapton, in the county of Northampton.

51. An act for dividing and inclosing the open and common fields of Oadby, in the county of Leicester, and all the lands and grounds within

the fame fields.

52. An act for dividing and inclosing certain open, common, and arable fields, meadows, pastures. and waste grounds, within the manor of

Burstall, in the parish of Belgrave, in the county of Leicester.

53. An act for dividing and inclosing feveral open fields, and commonable lands, within the manor and parish of Coleby, in the county of Lincoln.

54. An act for dividing and inclosing the open and common fields of Desford, in the county of Leicester, and the lands and grounds therein, and also such lands, in the lordship of Peckleton, in the said county, as

lie open to the faid fields.

feveral open and common fields, common meadows, common paftures, and common grounds, in the manor or lordship of Bartin, otherwise Barton in Fabis, in the several parishes of Barton and Clifton, in the county of Nottingham.

56. An act for dividing and inclosing certain open and common fields, meadows, common pastures, and waste grounds, in the parish or township of Bolton upon Dearne,

in the county of York.

57. An act for dividing and inclosing certain open, arable fields, in the manor of Bishops Waltham, in the county of Southampton.

58. An act to enable Arthur Hill efquire, and Arthur his son, and their issue male, to take the name and

arms of Trever.

59. An act to enable Robert Dobyns esquire, now called Robert Yate, and his first and other sons, and their heirs male, to take and use the surname of Yate, in pursuance of the will of Walter Yate esquire, deceased.

60. An act for naturalizing John Chriftian Suhring, and John Henry Suhring.

THE

STATUTES at Large, &c.

Anno Regni GEORGII II. Regis Magnæ Britanniæ, Franciæ, & Hiberniæ, tricesimo.

A T the parliament begun and holden at West-minster, the thirty first day of May, Anno Domini one thousand seven hundred and sifty four, in the twenty seventh year of the reign of our sovereign Lord GEORGE the Second, by the grace of GOD, of Great Britain, France, and Ireland, King, defender of the faith, &c. And from thence continued by several prorogations to the second day of December, one thousand seven hundred and sifty six, Being the fourth session of this present parliament.

CAP. I.

An act to probibit, for a time to be limited, the exportation of corn, malt, meal, flour, bread, biscuit and starch.

WHEREAS the exportation of any fort of corn, meal, malt, flour, bread, biscuit and starch, out of the kingdoms of Great Britain or Ireland, may, at this time be greatly prejudicial to his Majesty's subjects; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this prefent parliament affembled, and by the authority of the fame, That no person or persons whatsoever, at any time or times be- No corn, &c. fore the twenty fifth day of December in the year of our Lord to be exported one thousand seven hundred and fifty seven, shall, directly or Britain or Ireindirectly, export, transport, carry or convey, or cause or pro- land, before cure to be exported, transported, carried or conveyed out of or 25 Dec. 1757. from the faid kingdoms of Great Britain or Ireland; or load or lay on board, or cause or procure to be laden or laid on board in any ship or other vessel, or boat, in order to be exported or carried out of the faid kingdoms of Great Britain or Ireland, any Vol. XXII.

Anno tricesimo Georgii II. c. 1.

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fort of corn, meal, malt, flour, bread, biscuit or starch, under the penalties and forfeitures herein after mentioned; that is to fay, That all the said commodities that shall be so exported, shipped or laid on board, or loaded to be exported, shipped or carried out, contrary to this act, shall be forfeited; and that every offender or offenders therein shall forfeit the sum of twenty shillings for every bushel of corn, malt, meal or flour; and twelve pence of lawful money of Great Britain, for every pound weight of bread, biscuit or starch, and so in proportion for any greater or less quantity, which shall be so exported, shipped or put on board to be exported; and also the ship, boat or vessel, upon which any of the said commodities shall be exported, shipped or laden to be exported, and all her guns, tackle, ap-One moiety of parel and furniture, shall be forfeited; and one moiety of all the the forfeiture said penalties and forfeitures shall be to the King's majesty, his King, theother heirs and successors, and the other moiety to him or them that will sue for the same; and for offences which shall be committed in to the profethat part of Great Britain called England, such penalties and for-Method of re- feitures shall be recovered by action of debt, bill, plaint or inif in England, formation, in any of his Majesty's courts of record at Westminfler, or before the justices of assize, or at the great sessions in Wales, or by information at any general quarter sessions of the peace for the county, city, riding, division or place, where the offence shall be committed; and in such suit, no essoin, protection, privilege or wager of law, shall be allowed; and for offences which shall be committed in that part of Great Britain called Scotland, by action, or summary bill or information in the courts of sessions or exchequer in Scotland; and for offences which shall be committed in Ireland, in his Majesty's courts of record in Dublin, or at the general quarter sessions of the peace for the county, city or place, where the offence shall be committed; and that the master and mariners of any such ship, boat or vessel, wherein any such offence shall be committed, knowing such offence, and wittingly and willingly aiding and affifting thereunto, and being thereof duly convicted in any fuch courts as aforesaid, shall be imprisoned for the space of three months with-

Scotland, or Ireland.

to go to the

cutor.

Wales,

Master and mariners if convicted, to be committed.

Officers impowered to feize the veffels, and commodities;

out bail or mainprize II. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any person or persons, being an officer or officers of the customs, or being lawfully authorized in this behalf by the lord high treasurer of Great Britain, or the commissioners of the treasury for the time being, or any three or more of them, to take or seize all such of the faid commodities, not allowed to be exported by this act, or by his Majesty's royal proclamation, or such order of council, in pursuance of this act, as he or they shall happen to find, know, or discover to be laid on board any ship or other vessel or boat, at fea, or in any port, or in any navigable river or water, to the intent or purpose to be exported, transported or conveyed, out of Great Britain or Ireland, contrary to the true intent of this act; and also the ship, vessel or boat, in which the same shall

Anno tricesimo Georgii II. c. 1. 1757.]

mall be found, and to bring the faid goods to the king's ware- and to lodge house or warehouses belonging to the custom-house, next to the the goods in place where such seizures shall be made, or to some other safe warhouses. place (where there are no such warehouses) in order to be proceeded against according to law; and in case of recovery, to be divided according to the directions of this act.

III. Provided always that this act, or any thing herein con- Necessary protained, shall not extend to prohibit the exportation or carrying vision for shipe out of such, or so much of the said commodities, as shall be ne- on their voycoffary to be carried in any thip or thips, or other vessel or vesfels, in their respective voyages, for the sustenance, diet and support of the commanders, masters, mariners, passengers or others, in the same ships or vessels only; or for the victualling or providing any of his Majesty's ships of war, or other ships or vessels and for the in his Majesty's service; or for his Majesty's forces, forts or King's ships, forces, forts, garrifons; any thing herein contained to the contrary notwith- or garrifons,

IV. Provided also, That this act, or any thing herein con- The said comtained, shall not extend to prohibit any person or persons to ship modities may or put on board any of the commodities aforesaid, to be carried be carried coastwise; that is to say, from any port, creek, or member of coastwise is the kingdoms of Great-Britain or Ireland, to any other port, granted for the ereck, or member of the same respectively, having such or the same, and selike coast-cocquet or sufferance for that purpose, and such or the curity given. like sufficient security being first given for the landing and discharging the same in some other port, member or creek of the faid kingdoms, and returning a certificate in fix months, as is required by law in cases where goods which are liable to pay duties on exportation, or carried coast-wise from one port of

Great-Britian to another, and not otherwise.

V. Provided also, That this act, or any thing herein con- The said comtained, shall not extend to any of the said commodities which modities may shall be exported, or shipped to be exported, out of or from be exported to Great-Britain to Ireland, or from Ireland to Great-Britain, or Gibraltar, or from Great-Britain or Ireland to Gibraltar, or unto any of his the British if-Majesty's islands or colonies in America, that have usually been nies in Amerisupplied with any of the said commodities from Great-Britain ca, the exporor Ireland, for the sustentation of the inhabitants of the said ter declaring islands, colonies or dominions, or for the benefit of the British where the same fishery in those parts only; so as the exporter do, before the for, and giving shipping or laying on board the same, declare the island, colony security. or dominion, islands, colonies or dominions, for which the faid commodities are respectively designed, and do become bound with other sufficient security, in treble the value thereof, to the commissioners or chief officer or officers of his Majesty's customs, belonging to the port or place where the fame shall be shipped or put on board (who hath or have hereby power to take such security in his Majesty's name, and to his Majesty's use) that such commodities shall not be landed or fold in any parts whatfoever, other than the kingdoms, dominions, islands or colonies for which the same shall be so declared; and

1757.

Certificates from the port of landing to be returned ed time.

lecurity, and grant certificates, gratis. feit 200l. and be cashiered.

200l. penalty on counterfeiting, &c. a certificate. Method of recovery,

and application thereof.

Beans may be exported to ing fecurity.

East India the faid comfettlements, giving securi-

Wheat, malt, or

Anno tricesimo Georgii II. C. 1.

that a certificate under the hand and seal of the collector, comptroller or other chief officer of the customs; or if no such, or the naval officer, or some other principal officer of the port within a limit- where the same shall be landed, shall within the respective times herein after for that purpose mentioned (the dangers of the seas excepted) be returned to the officers who took the faid bonds, that the faid commodities have been landed at the port or place for which the same shall be so declared; and for the taking of Officers to take fuch fecurity, and giving fuch certificates (which the respective officers aforesaid are hereby on demand required to give) no fee or reward shall be demanded or received; and if any officer shall Officer grant- make any false certificate of any such commodities being so ing a false cer-landed, such officer shall forfeit the sum of two hundred pounds, tificate, to for- and lose his employment, and be incapable of serving his Majesty, his heirs or successors, in any office relating to the customs; and if any person shall counterfeit, rase or falsify any such certificate, or knowingly publish any such counterfeit, rased or false certificate, he shall forfeit the sum of two hundred pounds, and fuch certificate shall be void and of none effect; which said penalties for offences committed in Great Britain or Ireland, shall be recovered in the same courts, and in the same manner, as the other penalties inflicted by this act are recoverable; and for offences committed in the colonies or plantations in America, or other the dominions belonging to the crown of Great Britain in Europe, shall be recovered in the high court of admiralty, or in any other chief court of civil or criminal jurisdiction in such respective colonies, plantations or dominions; and shall be divided into equal moieties between his Majesty and the informer; and the said bond or bonds, if not prosecuted within three years, shall be void.

VI. Provided also, That nothing herein contained shall extend to prohibit the exportation of beans to the British forts, castles Africa, on giv- and factories in Africa, or for the use of the ships trading upon that coast, that usually have been supplied with the same from Great Britain or Ireland, so as the like security be given for the exporting thereof, as is required by this act to be given by perfons carrying any of the faid commodities to the British colonies in America.

VII. Provided also, That nothing herein contained shall excompany may tend to prohibit the united company of merchants of England, export any of trading to the East-Indies, from exporting any of the said commodities to any of their forts, factories or settlements, for the their forts and support of the persons residing there, so as the like security be given for the exporting thereof, as is required by this act to be given by persons carrying any of the said commodities to the British colonies in America.

VIII. Provided also, That this act, or any thing herein conbarley, may be tained, shall not extend to any wheat, malt or barley, to be southampton the islands of fersey and Guernsey, or either of them, for the Guernsey, the only use of the inhabitants of those islands, so as the exporter

1757. Anno tricesimo Georgii II. c. 1.

before the lading of the wheat, malt or barley, or laying the exporter givfame on board, do become bound with other sufficient security ing security. (which the customer or comptroller of the same port hath hereby power to take, in his Majesty's name, and to his Majesty's use; and for which fecurity no fee or reward shall be given or taken) that fuch wheat, malt or barley, shall be landed in the said islands Certificate of of Fersey and Guernsey, or one of them (the danger of the seas the landing to only excepted) for the use of the inhabitants there, and shall be returned not be landed or sold in any other parts whatsoever, and to re-ed time. turn the like certificates of the landing the same there, as are herein before required on the exportation of the faid commodities to the British colonies in America, and within the time for that purpose herein after mentioned; and so as the quantity of Quantity to be wheat, malt and barley, which, at any time or times after the exported not to exceed 5000 passing of this act, and before the twenty-fifth day of December quarters. one thousand seven hundred and fifty-seven, shall be shipped at the faid port for Jersey and Guernsey, or either of them as aforefaid, doth not exceed in the whole five thousand quarters any

IX. And be it further enacted by the authority aforesaid, Commissioners That the commissioners of the customs for the time being shall, of the customs and they are hereby required to give a full and true account in to lay before writing to both houses of parliament, at the beginning of the parliament an next session thereof, of all corn, meal, malt, flour, bread, biscuit account of the and starch, that shall before that time be exported to any place quantities of whatfoever, by virtue or in pursuance of any of the liberties or corn, &c. ex-

powers hereby given or granted for that purpofe.

thing herein contained to the contrary not withstanding.

X. Provided, That nothing in this act contained shall extend Malt made for to any malt declared or made for exportation on or before the exportation fourth day of December one thousand seven hundred and fifty-fix, before 4 Dec. which shall be exported; provided the proprietor or proprietors t756, may be thereof shall produce to the collector or chief officer of the port proprietor where such malt shall be exported, a certificate or certificates producing a from the officer or officers with whom the entry of the corn in-certificate made, that the faid malt was actually declared or made for ex- ficer. portation on or before the faid fourth day of December one thoufand seven hundred and fifty-fix; nor to any other of the com- Vessels cleared modities aforesaid which shall be cleared out of any custom- out before 25 house within Great Britain, before the twenty-fifth day of De- Dec. 1756, cember one thousand seven hundred and fifty-six; or out of any permitted to custom-house in Ireland before the twenty-fifth day of December proceed on one thousand seven hundred and fifty-fix; but that such ships and vessels shall be permitted to proceed on their voyages; any thing herein contained to the contrary in any wife notwithitanding.

XI. Provided always, and be it enacted by the authority His Majesty aforesaid, That in case his Majesty at any time or times before by proclamathe twenty-fifth day of December one thousand seven hundred and tion, or order fifty-seven, shall (in his royal discretion) judge it to be most for in council, the benefit and advantage of this kingdom, to permit the expor- may at any

Anno tricesimo Georgii II. C. 2.

1757.

Dec. 1757, permit the exportation of corn, &c.

tation of corn and other the commodities aforesaid, or any of them, that then it shall and may be lawful to and for his Majeity, by his royal proclamation or proclamations to be issued, by and with the advice of his privy council, or by his Majesty's order in council, to be published in the London Gazette, from time to time to permit and suffer all and every person or persons, natives and foreigners (but not any particular person or persons) at any time or times before the twenty-fifth day of December one thousand seven hundred fifty-seven, to export or carry out of the kingdoms of Great Britain or Ireland, or out of both or either of them, all or any of the commodities aforesaid, to all or any other place or places, and upon or without giving fecurity for the landing thereof in such place or places, and returning certificates of such landing, as to his Majesty shall seem meet, and as in such proclamation or proclamations, or such orders of council, to be published in the London Gazette, shall be expressed and declared; any thing herein contained to the contrary notwithstanding.

Times limited of returning the certificates from the respective ports &c. has been landed.

XII. And be it further enacted by the authority aforesaid, That all certificates of the landing and discharging of the said commodities to be exported, other than coastwise, shall be returned within the respective times following; that is to say, where the corn, Where the bonds are taken in respect of any of the said commodities to be exported from Great Britain or Ireland, to any of the faid colonies or plantations in America, within eighteen calendar months after the date of the faid bonds; and where to Gibraltar, with twelve calendar months after the date of fuch bonds; and where to the islands of Guernsey or Jersey, within fix calendar months after the date of fuch bonds; and where from Great Britain to Ireland, or from Ireland to Great Britain, within fix calendar months after the date of fuch bonds respectively.

CAP. II.

An alt to make provision for the quartering of the foreign troops in his Majesty's service, now in this kingdom.

THEREAS difficulties have lately arisen in providing quarters for the foreign troops in his Majesty's Service, which have been brought over for the defence of Great Britain; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That the said foreign troops brought over as aforesaid, shall and may, during their continuance here, be quartered, and be received and provided for in quarters, in the same manner to all intents and purposes as the British troops now are; and that the billeting, quartering, receiving and providing for such foreign troops, in the manner aforesaid, shall be deemed and taken to have been, and to be legal, valid and effectual, to all intents and purposes whatsoever.

Foreign troops to be quartered and provided for as the Britith troops.

CAP.

CAP. III.

An all for granting an aid to his Majesty by a land-tax, to be raised in Great-Britain, for the service of the year one thousand seven bundred and fifty seven; and for discharging certain arrears of land taxes incurred before the time therein mentioned; and for the more effectual collecting of arrears for the future. 4s. in the pound.

CXV. A ND whereas feveral arrears of land taxes, granted by Arrears of forformer acts of parliament, do still remain unsatisfied, which mer land taxes ought to have been levied, assessed, or re-assessed by the respective com- to be levied by missioners in such alls named or appointed, some of which being since dead, commissioners. or removed to distant places; it is hereby declared and enacted by the authority aforesaid, That the commissioners by this act named or appointed, or so many of them as are hereby impowered to cause the monies by this act granted to be affested or raised, shall, and they are hereby impowered to cause the monies so in arrear upon the said land taxes, to be assessed, re-assessed, levied and answered, as fully and effectually as any commissioners appointed by former acts might have done in that behalf; and the faid affesfors, collectors, and receivers, shall respectively affess, re-asfefs, levy, receive, and answer the several arrears, in such manner, and under fuch penalties, and by fuch means, and as fully and effectually as in this act they are impowered and required, with respect to the several sums by this act charged.

CLXXVI. Provided always, and it is hereby likewife enacted Sinking fund by the authority aforesaid, That all the monies arisen or to arise appropriated into the exchequer, of or for the faid furplusses, excesses or over- to discharge plus monies, and other revenues, composing the sinking fund national debt (except fuch monies thereof, as are by this, or any other act or fore 25 Dec. acts of this or any former fession or sessions of parliament, espe- 1716. cially charged upon the faid finking fund, or to be paid out of the same, or out of any revenues or branches composing the said finking fund) shall be appropriated, reserved, and employed to and for the discharging the principal and interest of such national debts and incumbrances, as were incurred before the twenty fifth day of December one thousand seven hundred and fixteen, and are declared to be such national debts as may be redeemed, and are provided for by act of parliament, in such manner and form, as shall be directed and appointed by any future act or acts of parliament to be discharged therewith, or out of the same, and to none other use, intent or purpose whatsoever; any thing in this act contained to the contrary notwithstanding.

CLXXVII. And whereas several orders of loan or exchequer Deficiency of bills made upon and in pursuance of an act of parliament of the the land tax twenty-eighth year of his Majesty's reign, (intituled, An act for how to be supgranting an aid to his Majesty by a land tax, to be raised in Great plied. Britain, for the service of the year one thousand seven hundred and fifty five) still remain unpaid, for want of sufficient money arising by the faid act being come into the exchequer to answer and pay

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Anno tricesimo Georgii II. C. 4, 5.

L1757. the same; and it is uncertain how much thereof the monies arifing by the faid act will be able to answer and discharge; be it enacted by the authority aforesaid, That if the money arisen or to arise into the exchequer, for or on account of the said aids, on or before the twenty-ninth day of September which shall be in the year of our Lord one thousand seven hundred and fifty feven, shall not be sufficient to discharge the whole principal and interest due, or to grow due, on the several orders of loan or exchequer bills made upon and in pursuance of the said act, that then so much money as shall then appear to be deficient or wanting for answering the purposes aforesaid, shall and may be supplied and made good out of any the monies arising into the exchequer by or from the loans or exchequer bills on this act, or any other monies or loans that are or shall be appropriated for the service of the year one thousand seven hundred and fifty seven; and the commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, shall direct and apply the same accordingly; any thing herein before

CAP. IV.

contained to the contrary notwithstanding.

An act for continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand feven hundred and fifty feven; and concerning the interest to be paid for monies to be borrowed as well on the credit of this act, as on the credit of an act of this session of parliament, for granting an aid to his majesty by a land tax.

CAP. V.

An act for granting to his Majesty a sum not exceeding one million fifty thousand and five pounds, and five shillings, to be raised by way of

lottery. Natives and foreigners may contribute to the sum of 1,050,0051. 5s. for the purchase of tickets in the present lottery, at 1 l. 1 s. each ticket. Purchase money to be paid to the chief cashier of the bank. Subscribers for June next to make good the second payment. Subscribers for any less number, to pay the whole of the purchase money at the time of subscribing. Receipts to be given for the sums paid, &c. and the bearers intitled to tickets in respect thereof. Cashier to attend at the bank from 9 to 3 o'clock, to receive subscriptions. Cashier to give security; and to pay the monies into the exchequer. Treasury to apply the monies to the services voted by the commons. Managers and directors of the lottery to be appointed by the treasury. Books to be prepared with three colums, in each of which 66,667 tickets to be printed. Tickets to be of an oblong form, and joined with oblique lines, &c. Tickets in the 3d column to have the words following printed on them this ticket entitles the bearer to such prize as may belong thereunto. Tickets to be figned. Books to be prepared for 14 classes, with 2 columns, on each of which 66,667 tickets to be printed. Chances of the tickets in the 14 classes to be determined by drawing the tickets in the books with three columns. Managers to examine the books with the tickets, and deliver them to the cathier, and take a receipt for the same. Cashier to give a ticket for every fum of the is. paid in, and permit the adventurer to write his name on the corresponding ticket. Cashier to redeliver the books to the managers, by a August, and account for the sums received. Tickets undisposed of to be returned into the exchequer. Tickets of the middle column to be rolled up, and tied; and cut off indenturewise into a box marked with the letter (A) box to be locked up and scaled. Books to be prepared with 2 co-



1757.] Anno tricesimo Georgii II. c. 6, 7.

lumns, on each of which 66,667 tickets to be printed. The number and value of the fortunate tickets. 756 prizes. Fortunate tickets: 1 of :0,000l. 1 of 5,000l. 1 of 3,000l. 1 of 1,000l. 2 of 500l. 10 of :00l. 100 of ol. 200 of 201. 440 of 101. with 3001. to the first drawn ticket, and 3001. 30. 6d. to the last drawn. Tickets of the outermost columns to be rolled up and tied, and cut out indentwise into a box marked with the letter (B). Box to be locked up and sealed. Publick notice to be given of times of cutting the tickets into boxes. The lottery to begin drawing 5 September. Method to be observed in drawing, &c. After each day's drawing the boxes to be locked up and sealed. Numbers of the fortunate tickets, and the sums to be printed. Disputes relating thereto, to be adjusted by the managers. Penalty of forging tickets or certificates, felony. Managers to be fworn. The oath. Adventurer not paying his whole confideration-money by the times limited, shall lose the advance money. Tickets not disposed of shall be delivered into the exchequer. Managers, &c. to be paid by the commissioners of the treasury out of the lottery money. Penalty of felling chances or shares of tickets, for a less time than the drawing of the lottery; or of laying wagers relating to the chance of tickets; where to be sued for. Application thereof. Persons selling shares in tickets of which they are not possessed, &c. to forfeit sool. Application thereof. Offences committed in Ireland against acts made here, for preventing unlawful lotteries, declared to be punishable, and may be fued for in Dublin. After the drawing of the lottery, the tickets to be exchanged for certificates. Managers to give notice of the time for taking in the tickets, and delivering out the certificates, &c. Book to be kept for entering persons names, and the numbers of their tickets, &c. Certificates to be figned, &c. 525,002l. 12s. 6d. to be paid out of the supplies into the bank before 20 Jan. next, for payment of the prizes. Cashier to make payment thereof accordingly. Treasury to pay the incident charges attending the execution of this act, and to make allowance to the bank, &c. for their trouble and pains. 201. penalty on officer taking any tee, &c. for receiving or paying monies on this act. Persons sued on this act may plead the general issue. Treble costs.

CAP. VI.

An act for punishing mutiny and desertion; and for the better payment of the army and their quarters.

CAP. VII.

An all to discontinue for a limited time the duties upon corn and flour imported; and also upon such corn, grain, meal, bread, biscuit and flour, as have been or shall be taken from the enemy, and brought into this kingdom.

WHEREAS the discontinuing of the duties for a limited time upon corn and flour imported into this kingdom, and also upon such corn, grain, meal, bread, biscuit, and flour, as have been or shall be taken from the enemy, and brought into this kingdom, may be of advantage to his Majesty's subjects; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, The enume. That no subsidy, custom, rate, duty, or other imposition what rated commosoever, shall be demanded, collected, received or taken, upon dities for a any corn or flour which shall be imported into this kingdom, may be landed at any time or times before the twenty south day of August next; duty free, and nor shall any subsidy, custom, rate, duty, or other imposition carried coast-whatsoever, be demanded, collected, received or taken, upon wife.

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any corn, grain, meal, bread, biscuit or flour, which have been or shall be taken from the enemy, and brought into this kingdom, at any time or times before the faid twenty fourth day of August; but that all such corn and flour, and also all such corn, grain, meal, bread, biscuit and flour, shall and may be imported, brought in, and landed, duty free, and may also be carried coastwise, under such regulations as corn of the growth of this kingdom is now allowed to be carried coastwife, at all times before the faid twenty fourth day of August; any former law, statute, act or acts of parliament to the contrary in any wife notwithstanding.

Entry to be

II. Provided always, and be it further enacted by the authority made thereof; aforesaid, That a due entry shall be made in such manner and form as were used and practised before the making of this act, of all corn, grain, meal, bread, biscuit and flour, which shall be imported or brought into this kingdom, before the faid twenty fourth day of August, at the custom-house belonging to the port into which the same shall be imported or brought in, or otherwife in default of making such entry, such corn, grain, meal, bread, biscuit and flour, shall be liable and subject to such and the same duties, as were payable upon the importation thereof before the making of this act; any thing in this act contained to the contrary notwithstanding.

otherwise to be fubject to duty.

Treble cofts.

Suits in Scotland.

III. And be it further enacted by the authority aforesaid, That if any action or fuit shall be commenced against any person or persons, for any thir g done in pursuance of this act, in that part of Great Britain called England, the defendant or defen-General issue. dants in any such action or suit may plead the general issue, and give this act and the special matter in evidence, at any trial to be had thereupon; and that the same was done in pursuance and by the authority of this act; and if it shall appear so to have been done, the jury shall find for the defendant or defendants; and if the plaintiff shall be nonsuited, or discontinue his action, after the defendant or defendants shall have appeared; or if judgment shall be given upon any verdict or demurrer against the plaintiff, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same, as any defendant or defendants hath or have in other cases by law; and if fuch action or fuit be commenced or profecuted in that part of Great Britain called Scotland, the court before whom fuch action or fuit shall be brought, shall allow the defender to plead this act on his defence; and if the pursuer shall not insist on his action, or if judgment shall be given against such pursuer, the defender shall and may recover the full and real expences he may have been put to by any fuch action or fuit.

CAP. VIII.

An all for the speedy and effectual recraiting of his Majesty's land forces and marines.

HEREAS for recruiting his Majesty's land forces and marines, it is necessary that a new supply of men be forthwith raised



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raised within the kingdom of Great Britain, by common consent and grant in parliament; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That within and throughout the feveral and respective counties, shires, A levy of stewartries, ridings, cities, boroughs, cinque ports, parishes, able bodied towns and places of Great Britain, a speedy and effectual levy men to be of able-bodied men to serve his Majetty as soldiers, shall be madethroughforthwith had, made, practifed and put in execution, according out Great Bri-

to the rules and directions of this present act. II. And it is hereby further enacted, That the justices of the Justices of the peace of every county, shire, stewartry, riding, liberty or place, peace, comwithin Great Britain, and all and every the persons who were missioners of named, or otherwise appointed to be commissioners for putting the land tax, in execution an act of parliament made and paffed at Westmin- strates of corfer in the twenty eighth year of the reign of his present Majesty, porations to intituled, An act for granting an aid to his Majesty by a land-tax, put this act in to be raised in Great Britain, for the service of the year one thousand execution, seven hundred and fifty five; and for the relief of the inhabitants of certain places in the county of Lincoln, in respect of arrears of the land tax, or any subsequent act or acts of parliament for that purpose, within the several and respective counties, shires, stewartries, ridings, cities, boroughs, cinque ports, towns and places, therein particularly expressed, who are still living, and have duly qualified themselves according to the said acts, or shall duly qualify themselves according to this present act in that behalf, shall be commissioners for putting in execution this present act. and the powers therein contained, within and for the same counties, shires, stewartries, ridings, cities, boroughs, cinque ports, towns and places of Great Britain, for which they were so named or appointed respectively; and that all and every the other persons who are named or otherwise appointed to be commissioners for putting in execution an act passed in the present fession of parliament, intituled, An all for granting an aid to his Majesty by a land tax to be raised in Great Britain, for the service of the year one thousand seven hundred and fifty seven; and for discharging certain arrears of land taxes incurred before the time therein mentioned; and for the more effectual collecting of arrears for the future, within or for the said counties, thires, itewartries, ridings, cities, boroughs, cinque ports, towns and places, or any of them respectively, or such of the persons last mentioned, as shall also duly qualify themselves according to this act in that behalf, shall also be commissioners for putting in execution this present act. and the powers therein contained, within and for the same respective counties, shires, stewartries, ridings, cities, boroughs. cinque ports, towns and places of Great Britain, for which they are so named or appointed respectively; and that all and every the justices of the peace, and magistrates of corporations and burghs in any part of Great Britain, who are or shall be in any of his Majesty's commissions of the peace, or in the magistracy

of fuch corporation or burgh, at any time during the execution of this act, who shall duly qualify themselves according to this present act in that behalf (although not specially named or appointed commissioners by the said act) shall be likewise commillioners for putting in execution this present act, and all the powers therein contained, within the limits of their commissions and jurisdictions respectively: all which commissioners by this act intrusted with the execution of the same, are hereby strictly enjoined and required to use their utmost care and diligence that his Majesty's service, in making such levies as afore-

and to take care, that his Majefty's fervice be not neglected.

High theriffs, &c. upon notice from the secretary at war, to iffue precepts for the commissiand quality themielves.

Notice of the day of meeting to be lent to the war office. Commissionthe times and places of their fucceeding iffue precepts for that purpole to the high conftables, &c.

and to give notice thereof alfo to fuch military officers as thall attend this fer vice.

Sheriffs to be allowed by the in the execu

said, be not disappointed or neglected. III. And be it further enacted by the authority aforefaid. That the high sheriff of every county, or his deputy, immediately upon receiving notice for that purpose from the secretary at war, shall fend precepts to the respective bailiffs, or others who are utually employed to fummon juries, although in liberties out of the ordinary jurisdiction of the said high sheriff, directing them to summon the several justices of the peace, and oners to meet, commissioners of the land tax, within their respective divisions and liberties, to attend at the usual place of meeting in every division, upon a certain day in the said precepts named, within the time limited by the fecretary at war (notice of which day shall be sent to the war office and admiralty, upon the issuing of the precepts by the sheriff) to qualify themselves for the execution of this act; and the faid commissioners shall then and there appoint the feveral times and places for the fucceeding ers to appoint meetings in each of their respective sub-divisions during the continuance of this act; and the faid justices of the peace, and commissioners of the land tax, at such their first meeting, or at some meetings, and other meeting to be held as foon as it can be conveniently, shall iffue their precepts to the high constables, headboroughs, or other proper officers for the respective hundreds, lathes, rapes, wapentakes or other fub-divisions, within the said counties, thires, stewartries, ridings or divisions, as aforesaid; which precept shall contain an account of the times and places appointed for the fucceeding meetings, and shall be returnable on a day therein to be named, within twenty days, and not less than fourteen days, from the time of iffuing thereof; and fuch high constables, headboroughs or other proper officers, are hereby

rected to attend this fervice. IV. Provided always, and it is hereby enacted, That all reatheir expences fonable charges or expences incurred by any sheriff or deputy theriff in the execution of this act, shall be allowed in the accounts of such sheriff at the receipt of his Majetty's exchequer.

required forthwith to fignify the times and places appointed for

fuch meetings, to the feveral commissioners residing within their

respective districts; and the said commissioners assembled at such

first meeting to qualify themselves as aforesaid, shall also give

notice of the time and place of all and every fucceeding meeting

to be appointed as aforefaid, to the military officer whom they

shall have learned, by notice from the secretary at war, to be di-



Anno tricelimo Georgii II. c. 8. 1757-1

V. And, for the encouragement of fit and able persons vo- Every person luntarily to enter into his Majesty's service, be it enacted, That voluntarily inevery such person who shall, on or before the first day of May intitled to 31. one thousand seven hundred and fifty seven, voluntarily enter bounty mohimself into his Majesty's service, before the said commissioners, ney. at their first or any subsequent meeting, shall, by warrant of any three or more of the faid commissioners, receive the sum of three pounds out of the money of the land tax, arisen or to arise in the years one thousand seven hundred and fifty six, and one thousand seven hundred and fifty seven, or either of them, then being in the hands of any receiver general, or of any collector thereof, within the county or place for which the faid commissioners are appointed; and thereupon the commissioners then Volunteers to present, or any three of them, shall forthwith cause such volun- be delivered teers to be delivered to the officers appointed to receive them; to the military and shall cause an entry to be made in some book to be kept by an entry to be the faid commissioners, or such clerk as they shall appoint, of made of their the names of fuch volunteers, and of the parishes or places of names, places their last abode (if they can be known) and of the time and of abode, sums place when and where they did fo enter themselves, and of the and the offifums paid to them, and by whom fuch payments were made, cers receiving and of the names of the officers or persons who received such them. volunteers, and for what regiment or company they were received; and shall cause true copies or duplicates of such entries, Duplicates attested by three or more of the said commissioners then present, thereof to be within forty days after the delivery of such volunteers, to be to the war transmitted into the office of his Majesty's secretary at war for the office. time being, to be compared with the muster-rolls.

VI. And it is hereby declared, That the pay of every such volunteers to volunteer shall commence from the time that he shall so enter receive pay himself into his Majesty's service, and that every such volun- from the time teer, after he shall have continued in the military service of his of their enter-Majesty, his heirs and successors, during the space of three discharged at years, if the war shall then be ended, or otherwise at the end the end of of the war, shall be at liberty (if he think fit) to demand his three years, or discharge from the colonel or commanding officer of the regi- of the war, if ment or company to which he shall belong; and such discharge it. shall be granted to him gratis in writing under the hand of such colonel or commanding officer, who is hereby impowered and required to give the same accordingly, on pain of suffering the penalties usually inflicted for disobedience to orders; any thing

herein contained to the contrary notwithstanding.

VII. And it is hereby further enacted, That the warrants by Warrants for this act directed to be iffued by the faid commissioners for the bounty-moencouragement of volunteers as aforesaid, shall be satisfied by ney to be paid such receivers or collectors as aforesaid to whom such many without any fuch receivers or collectors as aforesaid, to whom such warrants deduction. shall be directed, without any abatement for fees, gratuities, charges, poundage, or any other pretence whatfoever, and shall be allowed upon their accounts; any law or statute to the contrary notwithstanding; and the said receivers general, and their Receivers general, and their Receivers general, and their Receivers general, and the respective deputies, and the said collectors of the land tax mo-

ney, lectors, to at-

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of commiffioners, to pay the bounty.

40 s. of every pound paid out of the land tax, to be repaid into of the forces.

Amended by a subsequent act of this fellons.

Three compowered to levy fuch men as are herein described ;

and to call in the affiftance of parish and

and to meet in their fubdivisions,

and iffue general fearch warrants, &c. for bringing the description of this act beforethem at their fecond meeting.

tend meeting ney, or any of them, upon the summons of the said commissioners, or any three or more of them, shall attend at the faid meetings for receiving volunteers as aforelaid, and duly pay to the faid volunteers the rewards prescribed by this act, as they will answer at their peril any delay or obstruction to his Majesty's fervice which may happen by their defaults.

VIII. Provided always, and it is hereby enacted, That it shall be lawful for the lord high treasurer, or commissioners of the treasury for the time being, to cause forty shillings of every pound of the money which thall be supplied out of the land tax exchequer by money for the year one thousand seven hundred and fifty six, the paymasters and one thousand seven hundred and fifty seven, or either of them, for payment of the encouragements aforefaid, to be repaid into his Majesty's exchequer by the respective paymasters of his Majesty's forces, out of such money as they shall receive for the faid forces, to make good the respective credits on the said land taxes, and to be applied to the fatisfaction of fuch principal and

interest (if any) as shall be remaining thereupon. IX. And it is hereby further enacted by the authority aforefaid, missioners im- That the said commissioners, or any three or more of them, in their respective places or stations, shall be, and are hereby authorized and impowered to raise and levy, and to cause to be raised and levied, at any time or times during the continuance of this act, within their feveral limits and jurisdictions, all able-bodied idle and disorderly persons, who cannot, upon examination; prove themselves to exercise and industriously follow some lawful trade or employment, or to have some substance sufficient for their support and maintenance, to serve his Majesty as soldiers; and to require and command all and every the high constables, churchwardens, overleers of the poor, petty constables, headtown officers; boroughs and tythingmen, and other parish and town officers, or any of them, within their respective limits and jurisdictions, to be aiding and affifting to them the faid commissioners, or any three or more of them, in the performance of this his Majesty's fervice; and for that purpose the said commissioners, or any three of them, are to meet in their respective sub-divisions, according to the appointment of the justices and commissioners as aforesaid, and to iffue out their warrants, under their hands and feals, thereby requiring and commanding fuch churchwardens. overfeers of the poor, petty constables, headboroughs, tythingpersons within men, or other parish or town officers, or else requiring and commanding the faid high constables to iffue their precepts to such churchwardens, overleers, petty constables, headboroughs, tythingmen, and other parish and town officers as aforesaid, every or any of them, to make or cause to be made a general search within their respective parishes, townships, constablewicks, or other places, for all such persons as they can find, who are or shall appear to them to be within the description of this act, and to bring all fuch persons before the commissioners, who have power to execute this act, in and for fuch county, thire. flewartry, riding or division, at such time and place as shall have



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been appointed by the justices and commissioners as aforesaid, for the second meeting of the said commissioners, in their respective sub-divisions, which time and place shall be prefixed in the faid warrants and precepts respectively; and afterwards the faid commissioners, within their respective limits and divisions, shall meet at such convenient time or times as they shall think fit, in order to iffue their like warrants or precepts, for making general fearches for persons within the said description, and for bringing them before the commissioners at any future times and places appointed by the justices and commissioners as aforefaid, during the continuance of this act.

X. Provided always, That in case the second meeting ap- If the second pointed to be held in any sub-division, shall be at so great a di- meeting be stance of time, as may render it inconvenient to issue warrants too distant, for bringing persons before such commissioners at the second in their submeeting, then the commissioners of such sub-division respective- divisions may ly may adjourn themselves to some convenient day, previous to adjourn to a fuch fecond meeting, in order to iffue their warrants as aforefaid. Previous day.

XI. Provided always, and it is hereby enacted, That it shall After such feand may be lawful to and for the churchwardens, overfeers of cond meeting. the poor, constables, headboroughs, tythingmen, and other offi- the parish and cers of any parish or township, or any of them, at any time af- may search for ter the faid fecond meeting of the faid commissioners, without and secure tarrying for any fuch warrant or precept as aforesaid, to search such persons for, and apprehend all, or any fuch persons as they, or any of as come withthem shall find, or shall appear to them, or any of them, to be tion of this within the description of this act, and to secure such persons act, and con-(in case they shall think it necessary) in the gaol or house of vey them becorrection, or publick prison where debtors are not usually con- fore commissioned, of the county, town or place, where such persons shall be listed. apprehended, and the keeper of fuch gaol, house of correction or prison, shall receive such persons without see or reward, and the parish officers shall allow such keeper six pence by the day for each person, during the time that they shall remain there, and shall convey them before the commissioners, at their next meeting for lifting of foldiers, to be examined, and (if judged within the description of this act) to be listed and delivered into his Majesty's service, according to the true intent and meaning hereof.

XII. And be it further enacted by the authority aforefaid, Commission-That the commissioners for executing this act, who shall attend ers to examine this service at the place or places for listing soldiers as aforesaid, the said pershall strictly examine the persons who shall be brought before them, by the faid churchwardens, overfeers, constables, headboroughs, tythingmen, or other parish or town officers, as aforefaid; and in case the said commissioners, or the major part of and if found them then prefent, upon examination of the persons to brought proper for the before them, shall find that such persons shall come within the service, descriptions herein mentioned, and the said commissioners, and the officer or officers who shall be appointed to receive the impreffed men, shall judge them to be such as are hereby intended

to deliver them to the military officers;

Officers to give receipts for them;

and to pay to town officers fuch man;

and to the churchwardens, a lum not exceeding 40s. nor lefs than ros. if a wife or family ;

and 6d per diem to the &cc. for the time they have kept him. Disputes relating thereto to be fettled by the commissioners.

Commissioners allowed to the parish officonstables.

Able-bodied inlifted;

to be entertained as foldiers in his Majesty's service, then and in such case the said commissioners shall cause such persons to be delivered over by the faid churchwardens, overfeers, constables, headboroughs, tythingmen or other parish or town officers, to fuch officers or persons as shall be appointed to receive such recruits as aforelaid, such officers or persons giving a receipt under their hands, acknowledging what men are so delivered to him or them, which receipt they are hereby required to give.

XIII. And be it further enacted, That the respective officers the parish and who shall receive such new raised men, shall pay to the clerk appointed by the commissioners, for the use of the officers of 20 s. for every the parish or town so employed in the raising such men, for their pains and services therein, twenty shillings of lawful money of Great Britain, for every man so raised; and shall also pay for every fuch new raised man, who shall have a wife or family, any furn not exceeding forty shillings, nor less than ten shillings of lawful money of Great Britain, to the faid clerk, to be by him paid over as is herein after directed, into the hands of the fuch man have churchwardens or overfeers of the poor, for the benefit of fuch parish or township, in which such new raised man shall have gained a fettlement, and whose wife and family may become chargeable to fuch parish or township respectively; which sum shall be settled by the commissioners present at the meeting when fuch person shall be inlisted, or any three or more of them, regard being had to the number of children, or other particular circumstances of such person so inlisted, for both which payments the clerk shall give a receipt, and the sum of six pence per diem, for keeping every such new raised man who shall be parish officers, delivered as aforesaid, according to the number of days that the officers of the faid parish or town shall have kept him in custody, pursuant to the powers granted by this act, until such delivery; the faid allowances of twenty shillings, and of fix pence per diem, in case of dispute, to be ascertained and distributed to or amongst the said churchwardens, overseers, constables, headboroughs, tythingmen, and such other parish and town officers, or any of them, according to the judgment and direction of the faid commissioners, or the major part of them then present.

XIV. Provided always, and be it further enacted by the aumay allot, out thority aforesaid, That the said commissioners, or any three or of the money more of them, in their respective divisions, are hereby authorized and impowered, by and out of the faid fum of twenty cers, 25. to the shillings, herein before directed to be paid for the use of the officers of the parith or town so employed in the raising of such men, to allot and order such sum as they shall think fit, to the respective high constables within their respective limits and jurisdictions, for their pains and service in the execution of this act, not exceeding the fum of two shillings.

XV. Provided always, That no person shall be inlisted by men only to be the faid commissioners by virtue of this act, who is not such an able-bodied man as is fit to serve his Majesty, and is free from ruptures and every other diftemper, or bodily weakness or infir-

Anno tricesimo Georgii II. c. 8. 1757.

mity, which may render him unfit to perform the duty of a fol-dier; and that no man be inlifted for his Majesty's service by der 17, nor avirtue of this act, who shall appear in the opinion of the com- bove 45 years missioners, or officer or officers appointed to receive the impress- of age, nor ed men, to be under the age of seventeen years, or above the age papilts, nor of forty five years, or a known papift, or who shall be under the who are under fize of five feet four inches without thoes.

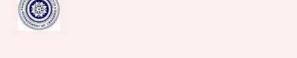
XVI. And for the better preventing any disputes which may arise about paying for the subsistence of those persons, who, having been apprehended and detained by virtue of this all, may afterwards be discharged upon examination before the commissioners and military of-ficers; be it further enacted by the authority aforesaid, That if charged as not any person being judged by the commissioners not to be within within the dethe description of this act, thall be by them discharged, the of- scription of ficers of the parish or town shall be intitled to no consideration, for the act, patheir expences in keeping such person; and if any person being allowed their judged by the commissioners to be within the description of this expences; act, shall be rejected by the military officer, such officer shall pay if within the to the officers of the parish or town fix pence per diem, for the description, whole time that they shall have kept every such person, to be andrejected by charged to the account of his respective regiment or company; to pay the exand every officer who shall object to any person delivered to him pences of by the commissioners, shall specify his objection to such person, keeping them. whether it shall be to his age or size, or bodily disability, and the be specified, grounds of fuch objection shall be forthwith (as far as may be) and enquired enquired into by the faid commissioners, and they shall proceed into by comaccordingly; and every officer who shall refuse or discharge any missioners. person delivered to him by the commissioners as fit to serve his Reasons of Majesty within the description of this act, shall without delay be transmitted transmit to his Majesty's secretary at war, his reason for such re- to the secrefusal or discharge, in writing, attested by himself.

XVII. And it is hereby enacted and strictly enjoined by the All inhabiauthority aforesaid, That the inhabitants of every parish and tants required township, where any persons described as aforesaid, do abide, to be a stiting or are to be found, at the instance of any one or more of the herein. commissioners appointed for the execution of this act, or of any churchwarden, overfeer of the poor, or constable of the same parish or township, shall (not having a lawful or reasonable excuse to the contrary) be aiding and affilting in the furtherance of

his Majesty's service by this act described.

XVIII. And to encourage such inhabitants and others to affift in discovering and apprehending such persons described as aferesaid; it is hereby further enacted by the authority aforesaid, That if any to such as it. Il person shall discover and give information of any able bedied discover any man fit to ferve his Majesty within the description of this act, proper person, fo that he shall be apprehended and inlisted before the commis- to as he be infioners as aforefaid, fuch perion, for every man to discovered lifted. and inlifted, shall receive from the officer to whom such man shall be delivered, the sum of tenshillings out of the twenty thillings, which he is elfewhere directed to pay to the officers of the parith or town, for every man inlifted by virtue of this act, Vol. XXII.

inches.



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and the remainder only of the faid twenty shillings shall in that case be paid to such officers.

Anno tricesimo GEORGII II. c. 8.

Clerks to be the commissifirst general meeting. Clerks to be appointed for attending the meeting of in their fubdivitions. Clerks to be paid by the every man inlifted.

The fecond and fixth fections of the articles of war to be read before commissioners to new raifed men. Names of the men, parish, time of inlifting, &c. to be entered in a book.

thereof to be transmitted within 40 days, to the tary at war, on penalty of Iol. the penalty.

Commencement of folcher's pay. After articles of warread, foldiers deemmartial law. No litted per-

XIX. And be it further enacted by the authority aforesaid, appointed by That it shall and may be lawful to and for the said commissiononers at their ers, at their first general meeting assembled, to appoint a clerk to attend them, then and at each of their subsequent meetings, and for the commissioners of the several sub-divisions, to appoint a clerk to attend them at their respective meetings in each sub-difion wherein foldiers are to be lifted as aforefaid; and fuch respective clerks, as a reward for their labour and pains in the execommissioners cution of this act, shall be intitled to and shall receive for every man who shall be listed in pursuance of this act, at the meetings whereon they shall respectively attend, the sum of two shillings of lawful money of Great Britain, to be paid by the respective officer 28. for officer who shall receive such new raised men respectively.

XX. And be it further enacted by the authority aforefaid, That the faid commissioners, or such of them as shall be prefent at such meeting for listing of soldiers as aforesaid, shall cause the fecond and fixth fections of the articles of war against mutiny and defertion, to be read to fuch new raised men, in the presence of the faid commissioners then there; and the faid commission ers, or the major part of them present, shall forthwith cause an entry or memorial to be made, in a book or books to be kept by them or their clerks for that purpole, of the names of such new raised men, and of the parishes or places of their last abode (if they can be known) and of the time and place when and where fuch men were delivered to the faid officers or persons appointed to receive them, and the names of the officers or persons who received them, and for what regiment or company they were fo received, and the fums paid, and shall cause true copies or Attested copy duplicates of such entries, attested by the said commissioners, or any three or more of them then present, within forty days after the delivering fuch men as aforefaid, to be transmitted into the admiralty or office of his Majesty's secretary at war for the time admiralty, or being, to be compared with the muster-roll; and every clerk for office of lecre- every neglect or default, in not transmitting the said copies or duplicates of fuch entries, to the admiralty or office of the fecretary at war as aforesaid, shall forfeit the sum of ten pounds, Application of one moiety thereof to the use of his Majesty, his heirs and succeffors, and the other moiety to fuch person or persons who shall inform or sue for the same, in some of the courts of record at Westminster, or the court of sessions in Scotland; and it is hereby declared, that the pay of every such new raised man, so delivered to the officers or persons appointed to receive them as aforesaid, shall commence from the time of his being taken and ed to be lifted, secured as aforesaid; and from and after such delivery as aforeand subject to said, and reading the said articles of war, every person so raised shall be deemed a listed soldier to all intents and purposes, and shall be subject to the discipline of war, and in case of deout of the icr. fertion, shall be proceeded against as a deserter by any law now vice, but for in force, or by any law to be made for punishment of deserters;

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and no person so listed, shall be liable to be taken out of his Ma- some criminal jesty's service, by any process other than for some criminal matter. matter.

XXI. Provided nevertheless, and be it enacted by the autho- Commissionrity aforesaid, That it shall be lawful for the commissioners, ers present at who shall have been present at any such meeting where any new the delivering raised man shall have been delivered over as aforesaid, or for the over any remajor part of them, upon the demand of such man, or of any point a further other per fon on his behalf, fignified to their clerk within four meeting; days after fuch meeting, and by him notified to each of the faid commissioners, to appoint a further meeting of the same commissioners, to be holden within fix days after the making of such demand; and if upon further and more certain information, and finding the faid commissioners, or the major part of them at such furwithin the dether meeting, shall find that such new raised man was not, at the scription of the time of his being delivered over as aforesaid, within the descrip- act, are to tion of this act, they are hereby required to certify the same certify the under their hands and feals to his Majesty's secretary at war, who same to the feon the receipt of such certificate shall cause the man to be forth- and the man with discharged, upon his paying to the officer to whom he was to be disdelivered over, the sum of six pence for his maintenance for charged, upon each day that he shall have been detained, under the authority payment of of this act; and the clerk appointed by the commissioners shall money. repay to fuch officer (without fee or other deduction) the feve- Officer to be ral fums before paid to him by the faid officer, and shall give repaid, and back the receipts taken as above directed, in exchange for a copy receipts to be of the man's discharge; and in case no such discharge shall have returned. of the man's discharge; and in case no such discharge shall have If no discharge been obtained as aforesaid, then the said clerk shall, after the ex- be obtained, piration of fourteen days, from the time that such new raised clerk to pay man was delivered over as aforesaid, pay over, without fee or over the sums deduction, to the persons respectively intitled thereto, under the deposited to directions of this act, the several sums deposited in his hands for persons. that purpose.

XXII. Provided always, That nothing in this act contained None to be inshall be construed to extend to impower the said commissioners listed 'till the to inlift any person as a soldier until the several sums herein di- sums payable by the officers rected to be paid by the respective officers appointed to receive are first paid. fuch new raised men, shall be first paid to the person or persons respectively authorized to receive the same.

XXIII. And be it further enacted by the authority aforesaid, Officers may That the officer or officers, and other person or persons appoint- secure imed to attend the faid commissioners, and to receive such impress- presed men. ed men, shall, in case he or they shall find it necessary, secure fuch impressed men in some secure house or place to be provided by the justices of the peace in their petty or special sessions for that purpose; but in case no such house or place shall be so provided, then in the gaol of the county, town or place where such man shall be received into his Majesty's service, or in the house of correction, or other publick priton of fuch county, town or place where debtors are not usually confined; and the keeper of fuch gaol, house of correction or prison shall receive such im-

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Keeper to be allowed their fubfiltencemoney. Civil officers, if required, to be aiding in fecuring them.

Commissioners may levy a fine not exceeding 101. on gaoler for escape of men, and on parish officers for neglect of duty.

Persons obftructing the execution of this act to forfeit 101.

For want of diffress, offender to be commutted.

Persons who members of parliament, not liable to be lifted.

a commiffioner.

pressed men until they can be removed, without see or reward; and fuch keeper shall be allowed the usual subsistence for such men during the time they shall remain there, from the officer by whom they shall be delivered as aforesaid; and the constables, headboroughs, and other civil officers, shall (if required) be affifting to fuch officer in conveying fuch man or men, to fuch fecure place, gaol or house of correction; and shall be allowed such reasonable sum or sums, as the major part of the commissioners then present shall appoint to be paid by the officer or officers who shall require such assistance.

XXIV. And it is hereby further enacted by the authority aforesaid, That it shall and may be lawful to and for the said commissioners, or any three or more of them, to impose upon any gaoler or keeper of a house of correction or prison, who shall fuffer any person committed to his custody in pursuance of this act to escape; or upon any high constable, churchwarden, overfeer, petty constable, headborough, tythingman, or other parish or town officer, for every wilful neglect of default in the execution of any warrant, order or precept, to them or any of them directed in pursuance of this act, a fine not exceeding ten pounds; and to cause every such fine to be levied by distress and fale of the offenders goods, rendering the overplus (if any be) to the owners, and to pay the faid fine to the informer or informers.

XXV. And be it further enacted by the authority aforesaid, That if any person or persons whatsoever shall wilfully do any act or thing whereby the execution of this act, in the fearching for, taking and securing such able-bodied men as aforesaid, shall be hindered or frustrated, every such person shall, for every such offence, forfeit any fum not exceeding ten pounds, to the use of the informer or informers; and all and every fuch offences may be enquired of, heard and finally determined by any two or more of his Majesty's justices of the peace, dwelling in or near the place where such offence shall be committed, who have hereby power to cause the said penalty to be levied by distress and sale of the offenders goods and chattels, rendering the overplus (if any be) to the owners; and if the offenders have no goods and chattels sufficient to answer the said penalty, then to commit him or her to the county gaol or house of correction, there to remain for the space of three months, without bail or mainprize.

XXVI. Provided always, and it is hereby declared, That have a vote in this act shall not extend to the taking or levying any person to the election of serve as a soldier, who shall make it appear to the satisfaction of the commissioners then present, that he hath any vote in the election of any member or members to serve in parliament, in any county, city, borough, town, port or place within the kingdom of Great Britain.

XXVII. And it is hereby enacted, That no person who at officer may be the time of the execution of this act, shall have any military office or employment in Great Britain (other than in the militia)

Anno tricelimo Georgii II. C. 8. 3757·J

shall execute any power or authority by this act given to commissioners as aforesaid.

XXVIII. And be it further enacted by the authority afore- Limitation of faid, That if any action, plaint, fuit or information, shall be actions, commenced or profecuted against any person or persons, for what he or they shall do in pursuance or execution of this act, the fame shall be commenced within fix months after the offence committed, and fuch person or persons so sued in any court whatfoever, shall and may plead the general issue Not guilty, General issue. and upon any iffue joined, may give this act and the special matter in evidence; and if the plaintiff or profecutor shall become nonfuit, or forbear further profecution, or fuffer a discontinuance, or if a verdict pass against him, the defendant shall recover treble costs; for which they shall have the like remedy, as Treble costs.

in any case where costs by the law are given to defendants.

XXIX. And for the better obviating fuch frauds and abuses No soldier or as may be practifed in discharging of soldiers; it is hereby fur- marine to be ther enacted by the authority aforesaid, That no private soldier discharged who shall be duly listed into his Majesty's service by virtue of without a certhis act (during the time such soldier shall remain in Great Bri- his colonel, tain) thall be discharged from his Majesty's service, without the &c. consent of the colonel, or in his absence, the field officer commanding in chief the regiment, first had and obtained in writing under their hands and feals for that purpofe, in which writ- of which a ing the cause of his discharge shall be expressed, and a duplicate duplicate to or copy of every such discharge, forthwith transmitted to the be transmitted fecretary at war, to be by him kept and entered in a book; or if to the fecrea marine, without the consent of the lord high admiral, or the commissioners of the admiralty for the time being first had and Officer breakobtained; and any officer that shall presume to discharge any sol- ing this order, dier inlifted pursuant to this act, in any other manner contrary to be cashierto this act, shall for such offence be cashiered.

XXX. Provided always, and it is hereby enacted, That every Impressed men person who shall be impressed upon this act, after he shall have after five continued in the military service of his Majesty, his heirs and years service, fuccessors during the space of five years, if the war shall then be to be discharged, if they deended, or otherwise at the end of the war, shall be at liberty if mand it. he think fit to demand his discharge from the colonel, or in his absence, the officer commanding the regiment or company to which he shall belong, and such discharge shall be granted to him gratis in writing under the hand of fuch colonel or officer, who is hereby impowered and required to give the same accordingly; any thing herein contained to the contrary notwith-

XXXI. And be it further enacted, That the said several Clerks to be clerks to the faid commissioners, provided the said copies or du- rewarded for plicates be duly transmitted into the office of the admiralty, or their trouble, fecretary at war, as aforefaid, shall have and receive by the hands in transmitof the paymasters of his Majesty's land forces and marines, or plicates.

one of them, such rewards as the lord high treasurer or commisfioners of the treasury for the time being, upon consideration of

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His Majesty,

may fuspend

by proclama-

tion, &c. the

execution of

this act;

or may fufpend or in-

force the act,

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the numbers of men listed in the several counties, cities, boroughs, or other places, and the pains and charges of the feveral clerks in this service, shall judge the said clerks severally

and respectively to deserve.

XXXII. Provided always, That his Majesty, when he shall be satisfied by the said returns of the commissioners, or otherwife, that a sufficient number of recruits in the whole shall be raised for his present service, may be graciously pleased to sufpend or stop the further execution of this act by proclamation, or order in council, or other publick notice in the London Gazette; any thing herein contained to the contrary notwith**standing**

XXXIII. Provided also, That his Majesty, when he shall judge it expedient for his fervice, may at any time suspend or enforce the execution of this act, in any county or place of Great

in any county Britain, by notice from his Majesty's secretary at war; any thing herein contained to the contrary notwithstanding.

Persons employed in the execution of this act, exempted from the penalties of act 25 Car. S. C. 2.

z W. & M. feff. 1. C. S.

and 13 & 14 W. 3. c. 6.

Commissioners in England, not to act till they have taken the oaths appointed

XXXIV. Provided always, and be it further enacted by the authority aforesaid, That no commissioner, churchwarden, overfeer, constable, headborough, tythingman, or other parish or town officer, who shall be employed in the execution of this act, shall be liable for or by reason of such execution, to any of the penalties mentioned in an act made in the twenty fifth year of the reign of King Charles the Second, For preventing dangers which may happen from popish recusants; or in one other act made in the first year of the reign of King William and Queen Mary, intituled, An act for abrogating the oaths of allegiance and supremacy, and appointing other oaths; or in one other act made in the parliament holden in the thirteenth and fourteenth years of the reign of the late King William the Third, intituled, An all for the further security of his Majesty's person, and the succession of the crown in the protestant line; and for the extinguishing the hopes of the pretended prince of Wales, and all other pretenders, and their open and fecret abettors.

XXXV. Provided always, and be it enacted, That no perfon or persons hereby appointed to be a commissioner or commissioners for any county, riding, city, borough, cinque port or place, of England, Wales, or Berwick upon Tweed (except fuch as duly qualified themselves to be justices of the peace, or commissioners for executing the said act for the land tax made and passed in the twenty eighth year of his present Majesty's reign, or any subsequent act or acts of parliament for that purpose) shall be capable, in England, Wales, or Berwick upon Tweed, of acting as a commissioner or commissioners in the execution of this act, or executing any the powers of the commissioners therein mentioned (unless it be the power hereby given of administering oaths) until such time as he or they respectively shall have taken the oaths appointed by an act of parliament made in by . W. & M. the first year of the reign of King William and Queen Mary, intituled, An all for the abrogating the oaths of Supremacy and allegionce, and appointing other oaths; and also in the faid act, intitu-

fett. 1 C. 8. and 13 W. 3. c. 6.

led, An act for the further security of his Majesty's person, and the succession of the crown in the protestant line; and for extinguishing the hopes of the pretended prince of Wales, and all other pretenders, and their open and fecret abettors; which oaths it shall and may be nor commis-1 lawful to and for any two or more of the faid commissioners to fioners in Scotadminister, and they are hereby required to administer the same have qualified to any other of the said commissioners; and that no person or themselves as persons hereby appointed to be a commissioner or commissioners the laws there for any part of Scotland (except fuch as duly qualified themselves, direct. according to the laws of Scotland, to be commissioners there for executing the said act for the land tax made and passed in the twenty eighth year of his present Majesty's reign, or any subsequent act or acts of parliament for that purpose) shall be capable of acting as a commissioner or commissioners in the execution of this present act in any part of Scotland, until such time as he or they respectively shall have duly qualified themselves according to

XXXVI. Provided always, and be it enacted, That if any Commission-person hereby appointed a commissioner for any county, city, ers in English town or place, in England, Wales, or Berwick upon Tweed (exfore they have cept as before excepted) shall presume to act as a commissioner taken the in the execution of this act, before he shall have taken the said oaths, oaths which by this act he is required to take, and in the manner hereby prescribed, he shall forfeit to his Majesty the sum of two hundred pounds, to be recovered by action of debt, or on sorfeit sools the case, bill, suit or information, in any of his Majesty's courts of record at Westminster, wherein no essoin, protection, wager of law, or more than one imparlance shall be allowed; and that if any person hereby appointed a commissioner for any shire, stewartry, burgh or place in Scotland (except as before excepted)

shall presume to act as a commissioner in the execution of this

laws in Scotland, he shall forfeit to his Majesty the sum of fifty and commispounds, to be recovered in the court of exchequer in Scotland, sioners in Scotin the same manner as any other penalties are there recoverable. land, 50 l.

XXXVII. Provided also, That in case there shall not be a Commissionsufficient number of commissioners for any city, borough, town, ers for the
port or place of Great Britain (for which by this act commissioners are specially appointed) capable of acting according to the large, &c.
sioners are specially appointed) capable of acting according to the may act for
respective qualifications required by this act, then and in every any city, &c.
such case, any the commissioners appointed for the county,
shire or stewartry at large, within which such city, borough,
town or place doth stand, or which is next adjoining thereto,
may act as commissioners in the execution of this act, within
such city, borough, town, port or place; any thing herein con-

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XXXVIII. Provided always, and be it enacted by the autho-Qualification rity aforesaid. That no commissioner of the land tax, not being ers for countilioner of the peace, or a magistrate of a corporation or a bottes at large rough, shall be capable of acting as a commissioner in the exe-within Enguition of this act, or of any of the powers therein contain-land.

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ed, in or for any county at large within England, the dominion of Wales, (the counties of Angleysey, Merioneth, Cardigan, Caermarthen, Glamorgan, Montgomery, Pembroke, Caernarvon and Monmouth excepted) or in or for any of the ridings in the county of York, unless such person by himself, or his tenants or trustees was taxed, or did pay in the fame county or riding, for the value of one hundred pounds per annum or more of his own estate, by virtue of the faid act, for the land tax made and paffed in England in the twenty eighth year of his Majesty's reign, or any subsequent act or acts of parliament for that purpose, or unless such person so appointed to be a commissioner, shall at the time of the execution of this act, by himself, his tenants or trustees, enjoy an estate of lands, tenements or hereditaments, of the faid yearly value of one hundred pounds or more within the faid county or riding respectively; any thing herein contained to the contrary notwithstanding.

Persons difing to act, tarfeit 50 l.

XXXIX. And it is hereby further enacted, That if any perabled presum- son intended by this act to be disabled for the cause last-mentioned, shall nevertheless presume to act as a commissioner in the execution of this act, or any of the powers therein contained, every such person for such offence, shall forfeit the sum of fifty pounds, to any person or persons who will inform or sue for the same, to be recovered in any of his Majesty's courts of record at Westminster, or in the Exchequer of Scotland as aforefaid.

Commissioners may act for any city, being inhabitants, or inns of court.

Mayors, bai-

ly appointed.

liffs, &c. to

XL. Provided nevertheless, and it is hereby enacted, That no person who is appointed to be a commissioner for executing this act in any part of Great Britain, shall be disabled for the cause last-mentioned from acting as a commissioner, within and for any city, borough, cinque port, or corporate town only, whereof he shall be an inhabitant at the time of the execution of this act, or from acting as a commissioner within any of the inns of court or inns of Chancery.

XLI. And whereas some doubts may arise whether mayors, bailiffs, and other chief magistrates of cities, boroughs, towns corporate and cinque ports, for which commissioners are specially appointed by virtue of this act, can act as commissioners for executing this act in the said cities, boroughs, towns corporate and cinque ports; be it further enacted by the authority aforesaid, That all mayors, bailiffs, and other chief magistrates who are appointed commissioners for exact as commif- ecuting this act, shall be, and have power to act as commissionfioners special. ers for executing this act, within and for any city, borough, town corporate or cinque port, wherein they inhabit at the time of executing this act, as well where commissioners are specially appointed by this act, as where they are not.

XLII. And whereas it may often be expedient for his Majesty's Service, that the commissioners hereby appointed, shall execute this act in cities, towns, or other places, when it may not be convenient to enforce the execution thereof through the county in which fuch city, town or place shall be respectively situate; be it therefore enacted by the authority aforesaid, That the mayor or other chief ma-



gistrate of every city, town or place, shall (upon receiving no- Civil magitice for that purpose from the secretary at war) immediately pro- strate, upon ceed to put this act in execution within their respective jurisdic- the secretary tions, in the same manner to all intents and purposes, as if such at war, to enmayor, or other chief magistrate, had received such notice from force this act the sheriff of the county in which such city, town or place shall within his jube respectively situate; any thing in this act contained to the risdiction. contrary notwithstanding.

XLIII. And it is hereby provided and enacted, That no bai- Bailiffs folliff's follower or affiftant, employed or belonging to any theriff, lowers and afbailiff of liberties, marshalsea court, or any other person or per- fistants, &c. fons that shall be so employed, by any one that shall have the by this act. power of executing any warrant or process whatsoever, shall be deemed thereby to follow or exercise any calling or employment, or to have a fufficient support and maintenance within the in-

tent and meaning of this act.

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XLIV. And forasmuch as great inconveniencies may happen by impressing men, during the time of harvest; be it therefore enacted Labourers, by the authority aforesaid, That from and after the twenty fifth having proper day of May one thousand seven hundred and form forms and certificates, day of May one thousand seven hundred and fifty seven, until not liable to the twenty fifth day of October following, no harvest labourer, be impressed or person working at hay harvest or corn harvest work within in harvest the time aforesaid, within the kingdom of Great Britain, shall time. be impressed by virtue of this act, but shall be free and exempted from the same during the time aforesaid, provided they have a certificate under the hands of the minister, and of one churchwarden or overfeer of the poor, or elders of the parish or place where they live, allowed under the hand and seal of one justice of the peace of the same county, shire, stewartry, riding, city or place, which certificate shall be given gratis.

XLV. And for the more easy and better putting this act in execution; be it enacted by the authority aforesaid, That any three or Commissionmore commissioners for putting this act in execution, in the se- ers for exethough not all of the fame riding many within the soll of within the though not all of the same riding, may, within the castle of castle of York. York, or limits thereof, execute the powers of this act.

XLVI. And whereas divers soldiers who have deserted his Majefly's service, have been harboured in a certain place called Threapwood, lying within or near the counties of Chester and Flint, or one of them, and adjoining to the town of Cuddington in the said county of Chester; be it further enacted by the authority afore- Commissionfaid, That the commissioners hereby appointed for the county of ers for exe-Chester, and the officers of the said town of Cuddington, shall cuting this act execute this act in the said place called Threatment and in Threapexecute this act in the faid place called Threapwood, according wood. to the true intent and meaning thereof.

XLVII. And be it further enacted by the authority aforesaid, Officer not at-That if at any of the meetings of the commissioners by this act tending to reappointed, in any of their fub-divisions, they shall not be at- ceive recruits. tended by some proper officer appointed for the receiving of re- ers may adcruits, either through negligence or any unavoidable accident, journ, and orthen and in that case, it shall and may be lawful to and for the der the de-

faid tention of the

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impressed men.

Notice of adbe given to any officers attending this fervice, &c.

Officer to pay **fublittence** money for

charges.

Continuance of this act.

Form for making entries purfuant to the act.

faid commissioners to adjourn themselves to some other convenient day, and they are hereby authorized to give directions for detaining in custody, all such persons as shall have been then brought before them by the parish officers to be inlisted, or such of them as they shall think duly qualified for his Majesty's service; and the faid commissioners shall give notice to any of the journment to officers attending on this fervice, in the county or place where fuch sub-divisions shall lie, of the day of such adjournment; and the faid officer is hereby required, either to attend himself, or to appoint some other officer to attend such commissioners, and to receive fuch persons as the said commissioners shall inlist into his Majesty's service; and the officer so receiving the recruits, shall pay to such person as the commissioners shall appoint, fix pence per diem, for the subsistence of every recruit then every recruit; inlifted, from the day of the last meeting of the commissioners, to the faid day of adjournment, the same to be charged to the account of the several regiments or companies into which the and incidental said recruits shall be inlisted, together with such charges and expences as shall appear to the said commissioners to have been incurred on account of the detaining the faid persons from the day of the former meeting of the said commissioners, to the day of fuch fecond meeting, not exceeding three pounds.

XLVIII. And be it further enacted by the authority aforefaid, That this act, and every thing herein contained, shall be and continue in force until the end of the next session of par-Liament.

XLIX. And be it further enacted by the authority aforefaid, That the several entries which the commissioners of the land tax are by this act required to make, of the names and descriptions of all volunteers, and also of all impressed men, together with the other particulars herein before directed, be made according to the form hereunto annexed.

Recruit' Name.	Parish.	Feet.	Inches.	Age.	Description of the Re- oruits.	For what corps preffed.	For what corps en- tered vo- luntarily.	paid	By wom paid.	Officer who received or refused the recruit, and on what day.	On what grounds refused.
				_							CAP



An all to probibit for a limited time the exportation of corn, grain, meal, malt, flour, bread, biscuit, starch, beef, pork, bacon, and other vietual (except fish and roots and rice, to be exported to any port of Europe southward of Cape Finisterre) from bis Majesty's colonies and plantations in America, unless to Great Britain or Ireland, or to some of the said colonies and plantations; and to permit the importation of corn and flour into Great Britain and Ireland in neutral ships; and to allow the exportation of wheat, barley, oats, meal and flour, from Great Britain to the ifte of. Man, for the use of the inhabitants there.

WHEREAS the exportation of any fort of corn, grain, meals malt, flour, bread, biscuit, starch, beef, pork, bacon, or any other fort of vietual, from any of his Majesty's colonies or plantations in America, may, at this time, be greatly prejuditial to his Majesty's subjects; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament affembled, and by the authority of the same, That no person Enumerated or persons whatsoever, at any time or times during the conti- commodities nuance of the present war with France, shall, directly or indi- be exported rectly, export, transport, carry, convey, or cause or procure to from the Bribe exported, transported, carried or conveyed out of or from any tish plantaof the British colonies or plantations in America, or load or lay tions, &c. on board, or cause or procure to be laden or laid on board, any during the thin or other well-land board, any war with ship or other vessel or boat, in order to be exported or carried France. out of the faid colonies or plantations, any fort of corn, grain, meal, malt, flour, bread, biscuit, starch, beef, pork, bacon, or other fort of victual, whether the said commodities shall, or shall not be, the produce or manufacture of, or made in the respective colonies or plantations from whence the same shall be designed to be exported, under the penalties and forfeitures herein after mentioned; that is to say, That all the said commodities that shall be so exported, shipped or laid on board, or loaded to be exported, shipped or carried out contrary to this act, shall be forfeited, and that every offender or offenders therein, shall forfeit the sum of twenty shillings of lawful money of Great Britain, for every bushel of corn, grain, meal, malt or flour, and twelve pence of the like money, for every pound weight of bread, biscuit, starch, beef, pork, bacon, or other victual, and so in proportion for any greater or less quantity, which shall be so exported, shipped or put on board to be exported, and also the ship, boat or vessel, upon which any of the said commodities shall be exported, shipped or laden to be exported, and all her guns, tackle, apparel and furniture shall be forfeited; and one moiety of all such penalties and forfeitures shall be to the King's

King's majesty, his heirs and successors, and the other moiety' to him or them that will fue for the same; which said penalties and forfeitures shall be recovered in the high court of admiralty, or any other chief court of civil or criminal jurisdiction, in such respective colonies or plantations; and that the master and mariners of any fuch ship, boat, or vessel, wherein any such offence shall be committed, knowing such offence and wittingly and willingly aiding and affifting thereunto, and being thereof duly convicted in any such courts as aforesaid, shall be imprisoned for the space of three months without bail or mainprize.

Officers impowered to leize the veffels and commoditres.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any person or persons, being an officer or officers of the customs, or being lawfully authorized in this behalf by the lord high treasurer of Great Britain, or the commissioners of the treasury for the time being, or any three or more of them, to take or feize all fuch of the faid commodities not allowed to be exported by this act, or by his Majesty's royal proclamation, or fuch order of council in pursuance of this act, as he or they shall happen to find, know or discover, to be laid on board any ship or other vessel or boat at sea, or in any port, or in any navigable river or water, to the intent or purpose to be exported, transported or conveyed out of any of the said colonies or plantations, contrary to the true intent of this act; and also the ship, vessel or boat in which the same shall be found, and to bring the said goods to the King's warehouse or warehouses, belonging to the custom-house next to the place where such seizures thall be made, or to some other safe place (where there are no such warehouses) in order to be proceeded against according to law, and in case of recovery, to be divided according to the directions of this act.

and lodge the fame in the King's warehouses.

Necessary provisions for thips on their voyage ;

and for the King's thips; forces, forts, or garrifons excepted. the faid colo

III. Provided always, and be it further enacted by the authority aforesaid, That this act, or any thing herein contained, shall not extend to prohibit the exportation or carrying out of fuch or fo much of the faid commodities as shall be necessary to be carried in any ship or ships, or other vessel or vessels in their respective voyages, for the fustenance, diet and support of the commanders, masters, mariners, passengers or others, in the same ships or vessels only, or for the victualling or providing any of his Majesty's ships of war, or other ships or vessels in his Majesty's fervice, or for his Majesty's forces, forts or garrisons; any thing herein contained to the contrary notwithstanding.

IV. Provided also, and be it further enacted by the authority The faid com- aforefaid, That this act, or any thing herein contained, shall not becarried from extend to prohibit the exportation of any of the faid commodities from the faid colonies or plantations to Great Britain or Irenies or planta- land, or from any of the said colonies or plantations, to any other tions to Great of the faid colonies or plantations, or from any other port or place in Britain or Ire-any one of the faid colonies or plantations, to any port or place land, &c. in such colony or plantation respectively, so as the exporter do before the shipping or laying on board the same, declare the

county



1757:3 kingdom, island, plantation or colony, and the port or place for taking out a which the faid commodities are respectively designed, and takecocquet for out a cocquet or cocquets, expressing the particulars of such com-the same, and modities, and do likewise become bound with two sureties of known refidence in the faid colonies or plantations, and of ability to answer the penalty mentioned in the bonds, in treble the value of such commodities, to the chief officer or officers of his Majesty's customs, or the naval officer, or some other principal officer belonging to the port or place where the same shall be shipped or put on board, or to such person or persons as shall be appointed for that purpose, by the lord high treasurer of Great Britain, or the commissioners of the treasury for the time being, or any three or more of them (who are hereby impowered to take such security in his Majesty's name, and to his Majesty's use) that such commodities shall not be landed or sold in any parts whatfoever, other than the kingdom, island, plantation, colony, port or place respectively, for which the same shall be so declared, and that a certificate under the hand and seal, or hands and seals of the collector, comptroller, or other chief officer of the customs, or if no such, of the naval officer or some other principal officer of the port or place where the same shall be landed, or such person or persons as shall be appointed for that purpose by the lord high treasurer of Great Britain, or the commissioners of the treasury for the time being, or any three or more of them, shall, within the respective times herein after mentioned (the danger of the seas excepted) be returned to the officer or officers, or person or persons, to whom such security shall have been given as aforesaid, that the said commodities, expressing the particulars thereof, have been landed at the port or place for which the same shall have been so declared; and for the taking of fuch fecurity, and giving fuch cocquets and certificates (which the respective officers and persons aforesaid are hereby on demand required to give) no fee or reward shall be demanded or received; and it any luch officer or perion shall Penalty on ofmake any falie certificate of any fuch commodities being fo ficer making a landed, such officer or person shall forfeit the sum of two hun-false certifidred pounds, and lose his employment, and be incapable of serv-cate; ing his Majesty, his heirs or successors, in any office relating to the customs; and if any person shall counterfeit, rase or falsify and on persons any cocquet or certificate, or knowingly publish any such coun-counterfeiting terfeit, rased or false cocquet or certificate, he shall forfeit the &c. certififum of two hundred pounds, and fuch cocquet or certificate shall cates. be void and of none effect; which faid penalties for offences committed in America, shall be recovered in the same courts, Penalties and in the same manner, as the other penalties inflicted by this where to be act are recoverable; and for offences which shall be committed recovered. in that part of Great Britain called England, fuch penalties first be recovered by action of debt, bill, plaint or information any of his Majesty's courts of record at Westminster, os before the justices of affize, or at the great sessions in Waley or by information at any general quarter festions of the peace for the

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L1757.

county, city, riding, division or place, where the offence shall be committed; and in such suit no essoin, protection, privilege, or wager of law shall be allowed; and for offences which shall be committed in that part of Great-Britain called Scotland, by action or summary bill or information in the courts of sessions or exchequer in Scotland; and for offences which shall be committed in Ireland, in his Majesty's courts of record in Dublin, or at the general quarter-sessions of the peace for the county, city or place, where the offence shall be committed; and for offences which shall be committed in any other of the dominions belonging to the crown of Great Britain in Europe, in the high court of admiralty, or any other chief court of civil or criminal jurifdiction in fuch dominions respectively; and such penalties when recovered, shall be divided in equal moieties between his Majesty and the informer; and upon all actions, fuits and informations, that shall be brought, commenced, or entered in the said colonies and plantations upon this act, the offences may be laid or alledged to have been committed in any colony, province, county or precinct, within the faid plantations, at the pleasure of the profecutor or informer.

Officer fuspec. to vacate the bonds.

V. Provided also, That in case the officer or officers, or perting certificate fon or persons, to whom any certificate shall be returned, shall to be false, not have cause to suspect that such certificate is false and counterfeit, the bonds shall not be cancelled or the security vacated, until fuch officer or officers, or person or persons, shall have been informed from the person or persons in whose name such certificate shall appear to have been granted, that the matter and contents of fuch certificate are just and true.

Commodities by land, or acrofs rivers, &c. from one another.

VI. Provided also, That nothing in this ast contained shall may be carried extend or be construed to extend to prohibit the transporting, carrying, or conveying any of the commodities herein before mentioned, by land, or across rivers, by common ferries, or up plantation to or down the faid rivers, or across harbours where clearances have not usually been taken, from any one of the said plantations or colonies to any other plantations or colonies, or to any part of the same plantation or colony, or to subject the persons transporting, carrying or conveying, or causing to be transported, carried or conveyed, any of the faid commodities in manner aforefaid, to any of the restrictions or regulations herein before prescribed, with respect to such commodities exported by sea, from one colony to another.

Bonds to be fued within 3 years. Commodities, 25 March 1757, may be

exported.

VII. Provided nevertheless, That the said bond or bonds (if not profecuted within three years) shall be void.

VIII. Provided always, and it is hereby declared, That nocleared before thing in this act contained shall extend to any of the commodities aforesaid, which shall be cleared out of any custom house in any of the colonies or plantations before the twenty fifth day of March one thousand seven hundred and fifty seven; any thing herein contained to the contrary notwithstanding.

IX. Provided always, and be it enacted by the authority afore-His Majesty by proclamation, said, That in case his Majesty at any time or times during the

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continuance of this act, shall in his royal discretion judge it to or order in be expedient to permit the exportation of corn, and other the council, may at commodities aforesaid, or any of them, from the said colonies any time perand plantations, that then it shall and may be lawful to and for tation of corn, his Majesty by his royal proclamation or proclamations to be if- &c from the fued, by and with the advice of his privy council, or by his Ma-colonies or jesty's order in council, from time to time, to permit and fuffer plantations, all and fingular his Majesty's subjects (but not any particular person or persons) to export or carry out of all of the said colonies or plantations in any ship or ships, vessel or vessels, duly navigated, owned, and qualified according to law to trade there, all or any of the commodities aforefaid to all or any other place or places, and upon or without giving fecurity for the landing thereof in such place or places, and returning certificates of such landing, as to his Majesty shall seem meet, and as in such proclamation or proclamations, or fuch orders of council, shall be expressed and declared; any thing to the contrary notwithstanding.

X. And be it further enacted by the authority aforesaid, That Times limited all certificates of the landing and discharging of the said commo- of returning dities to be exported, shall be returned within the respective the certificates times following; that is to fay, Where the bonds are taken in wherethe corn, respect of any of the said commodities to be exported to Great &c. has been Britain or Ireland within eighteen calendar months after the landed. date of the said bonds; and in respect of any of the said commodities to be exported from any of the faid colonies or plantations to any other of the faid colonies or plantations, or from any port or place in any one of the faid colonies or plantations, to any other port or place in fuch colony or plantation respectively, within twelve calendar months after the date of fuch bonds re-

spectively.

XI. Provided always, and be it further enacted by the autho- Prohibition rity aforesaid, That this act shall not extend to prohibit the ex- not to extend to exporting portation of any rice from the faid colonies or plantations di- of rice. rectly to any part of Europe fouthward of Cape Finisterre, but that rice shall and may be shipped and exported directly to any part of Europe fouthward of the faid cape, in such manner as the fame might have been exported if this act had not been made: any thing herein contained to the contrary notwithstanding.

XII. Provided also, and be it further enacted by the autho- Fish or roots which shall be exported or carried coastwise, but that fish and coastwise. roots of all forts shall and may be exported and carried coastwife, in fuch manner as the same might have been exported or carried coastwife, if this act had not been made; any thing herein contained to the contrary notwithstanding.

XIII. And whereas by an act passed this present session of parlia- Act of this fel. ment, intituled, An act to prohibit, for a time to be limited, the exportation of corn, malt, meal, flour, bread, biscuit and starch, it was enacted, That no person, at any time before the twenty fifth day of December one thousand seven hundred and fifty seven, should ex-

port, or carry out of or from the kingdoms of Great Britain or Ireland, any fort of corn, meal, malt, flour, bread, biscuit or starch, under the penalties and for feitures therein mentioned; but with several provisions and savings in the said att contained: And whereas the in-

Wheat, &c. ampton and Exeter unto

habitants of the ifle of Man have, for several years last past, been supplied with considerable quantities of corn, meal and flour, from Great Britain and Ireland; and they are now in great want thereof, no provision or saving having been made in the said att for supplying may be export- them therewith; be it therefore enacted by the authority aforeed from South- said, That the said recited act, or any thing therein contained, shall not extend to any wheat, barley, oats, meal or flour, to be the isle of Man, transported out of or from the ports of Southampton or Exeter only, unto the faid ifle of Man, for the only use of the inhabitants of that island, so as the exporter, before the lading of such wheat, barley, oats, meal or flour, or laying the same on board. do become bound, with other sufficient security (which the customer or comptroller of either of the said ports respectively hath hereby power to take in his Majesty's name, and to his Majesty's use, and for which security no see or reward shall be given or taken) that such wheat, barley, oats, meal or flour, shall be landed in the faid isle of Man (the danger of the seas only excepted) for the use of the inhabitants there, and shall not be landed or fold in any other parts whatfoever, and to return the like certificates of the landing the same there, as are by the said act required on the exportation of the faid commodities to the British

not more than colonies in America, and within the time for that purpose therein 2,500 quarters. mentioned; and so as the whole quantity of wheat, barley, oats, meal or flour, which, at any time or times after the passing this act, and before the faid twenty fifth day of December one thousand seven hundred and fifty seven, shall be shipped at both the said ports One moiety to for the said isle of Man as aforesaid, shall not exceed in the whole two thousand five hundred quarters; one moiety whereof to be be shipped at exported at the faid port of Southampton, and the other moiety each of the

thereof to be exported at the faid port of Exeter; any thing in the faid recited act to the contrary notwithstanding.

faid ports. Act of this fef-

may be im-

ported duty

fion.

XIV. And whereas by an act made in this present session of parliament (intituled, An act to discontinue, for a limited time, the duties upon corn and flour imported, and also upon such corn; grain, meal, bread, biscuit and flour, as have been, or shall be, taken from the enemy, and brought into this kingdom) corn and flour is allowed to be imported into this kingdom, duty free, for and during fuch time as in the said all is mentioned: And whereas it is necessary that such importation shou'd be allowed to be made in ships belonging to Corn and flour any flate in amity with his Majesty, as well as in ships belonging to Great Britain, and from any port or place what soever; be it therefore enacted by the authority aforesaid, That it shall be lawful, free, from any during the time, and under the regulations, mentioned in the kingdom, &c. faid act, for any person or persons whatsoever to import and bring in amity, into into this kingdom, in any thin or wellel belonging to Court Prointo this kingdom, in any thip or vessel belonging to Great Bri-Great Britain, tain, or to any kingdom or state in amity with his Majesty, his heirs and successors, from any port or place whatsoever corn



and flour duty free; any act or acts of parliament to the con-

trary notwithstanding.

XV. And whereas, if the importation of corn and flour into Ireland was permitted, for a limited time to be made in ships belonging to any state in amity with his Majesty, the same may be of advantage to his Majesty's subjects; be it therefore enacted by the authority afore- or Ireland. faid, That it shall be lawful, at any time or times before the twenty fourth day of August next, for any person or persons whatfoever to import and bring into the kingdom of Ireland, in any ship or vessel belonging to any kingdom or state in amity with his Majesty, his heirs or successors, corn and flour from any port or place whatfoever; any act or acts of parliament to

the contrary notwithstanding.

XVI. And be it further enacted by the authority aforesaid, That if any action or fuit shall be commenced against any perion or persons for any thing done in pursuance of this act, the defendant or defendants in any such action or suit may plead the general issue, and give this act, and the special matter, in evi- General issue. dence, at any trial to be had thereupon, and that the same was done in pursuance, and by the authority, of this act; and if it than appear to to have been done, the jury thall find for the defendant or defendants; and if the plaintiff shall be nonsuited, or discontinue his action, after the defendant or defendants shall have appeared; or if judgment shall be given, upon any verdict or demurrer, against the plaintiff, the defendant or defendants shall and may recover treble costs, and have the like remedy for Treble costs. the same as any defendant or defendants hath or have in other cases by law.

CAP. X.

An act to probibit for a limited time the making of low wines and spirits, from wheat, barley, malt, or any other sort of grain, or from any meal or flour.

HEREAS it is expedient that the distillation or extraction Wheat and all oflow wines or spirits, from wheat, barley, malt, and all other forts of grain, forts of grain, should be prohibited for a limited time; be it therefore meal and flour, enacted by the King's most excellent majesty, by and with the prohibited to be made use of advice and confent of the lords spiritual and temporal and com- in distillation mons in this present parliament assembled and by the authority for 2 months; of the same, That from and after the eleventh day of March one continued by thousand seven hundred and fifty seven, no low wines or spirits cap. 15. till 11 whatsoever shall be made, extracted, or distilled, within this penalty of 2001. kingdom, from any wheat, barley, malt, or any other fort of and forfeiture grain, or from any meal or flour, for and during the space of two of such grain, calendar months.

II. And be it further enacted by the authority aforesaid, That if, during the time before limited, any distiller, or maker of low wines or spirits, or any other person or persons whatsoever, shall make, extract or distil, or cause or procure to be made, extracted, or distilled, any low wines or spirits, from any wheat, Vol. XXII.

with the wines and spirits, &cc. 34

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barley, malt, or other grain, or from any meal or flour; or shall use or mix, or cause or procure to be used or mixed, any wheat, barley, malt, or other grain, or any meal or flour, in any worts or wash, in order for the making, extracting or distilling, low wines or spirits; or shall put or lay, or cause or procure to be put or laid, in any tun, wash-batch, cask, copper, still, or other vessel or utensil, any wheat, barley, malt or other grain, or any meal or flour, for the purpose of preparing any worts or wash, or for making, extracting or distilling, low wines or spirits, whether fuch tun, wash-batch, cask, copper, still, or other vessel or utenfil, hath or hath not been duly entered at the excise office; that then, and in each and every of the said cases, such distiller or maker of low wines or spirits, or other person or persons acting contrary to the directions of this act, or the person or persons in whose custody or possession any such tun, washbatch, cask, copper, still, or other vessel or utensil, which shall be made use of, contrary to the intention of this act, shall be found, shall respectively, for every such offence, forfeit and pay the sum of two hundred pounds; and all fuch wheat, barley, malt, and other grain, and fuch meal and flour, and fuch worts and wash, low wines and spirits, shall be also forfeited.

III. And be it further enacted by the authority aforesaid, All wheat,&c. That if any wheat, wheat meal, or wheat flour, shall, within the time herein before limited, be found in any workhouse, stillmited, in any house, storehouse, warehouse, or any other place, wherein low wines or spirits, or worts or wash, shall be made, extracted, di-&c. belonging stilled or prepared, or where any low wines or spirits, or worts or wash, shall have been made, extracted, distilled or prepared, fince the first day of January one thousand seven hundred and fifty feven, all fuch wheat, meal and flour shall be forfeited, and the person or persons in whose possession such workhouse, stillhouse, storehouse, warehouse, or place shall be, shall, for every fuch offence respectively, also forfeit and pay the sum of one

hundred pounds.

Officer, &c. may enter fuspectedhouses,

found within

the time li-

work-house,

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1001.

forfeited, and

IV. And be it further enacted by the authority aforefaid, That during the time herein before limited, it shall be lawful for any person or persons, who shall be authorized for that purpose by the commissioners of excise for the time being, or any two or more of them, within the limits of the chief office of excise in London, or by one or more justice or justices of the peace in any other part of Great Britain, at any time or times, with any officer of excise, to enter into any workhouse, stillhouse, storehouse, warehouse, or any other place wherein any low wines or spirits, or worts or wash shall be, or are suspected to be made, extracted, distilled or prepared, or wherein low wines or spirits, or worts or wash shall have been made, extracted, distilled or prepared, since the first day of January one thoufand seven hundred and fifty seven, and shall have free admittance into the fame, and may inspect all the materials, vessels and utenfils, therein contained (giving thereby as little interruption as may be to the business which shall be carrying on);

and inspect the materials and utenfils therein;



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and in case any such officer of excise, shall have reason to suspect that any wheat, barley, malt or other grain, meal or flour, is mixed in any worts or wash, or in any other material or preparation, for making, extracting or distilling low wines or spirits, it shall be lawful for such officer, at any time or times, during the laid term, upon payment of two shillings and fix pence, to take a fample not exceeding two quarts, of any fuch worts or and take famwash, material or preparation, which shall be found in any such ples, paying house or other place as aforesaid; and in case any distiller or for the same. maker of low wines or spirits, or the owner or occupier of any such ing admithouse or place, or any workman or servant to any such distiller, tauce, or obowner or occupier belonging, shall refuse to admit such person structing offior persons, as shall be so authorized, or any officer of excise, in-cer forfeits to any such house or place, or shall obstruct or hinder any such officer or person or persons, in making such inspection as aforesaid, or shall not allow any such officer to take such sample, after the laid fum of two thillings and fix pence thall be paid or tendered for the fame, such distiller, owner or occupier, shall, for every such offence respectively, forfeit and pay the sum of one bundred pounds; and it shall be lawful for any such officer of excise, or other person or persons authorized as aforesaid, hav- and the officer ing a warrant for that purpole from any two or more of the com- may feize, and missioners of excise, or any justice or justices respectively as afore- carry away the faid, to feize, take and carry away, all fuch wheat, wheat meal, wheat flour, as shall be found in any fuch house or other found. and wheat flour, as shall be found in any such house or other place, together with all the facks, bags, and other things, in which the faid commodities shall be contained.

V. And be it further enacted by the authority aforesaid, That if any distiller or maker of low wines or spirits for sale or Distiller, or exportation, shall, after the eleventh day of March one thousand other person seven hundred and fifty seven, and before the eleventh day of ing more than May one thousand seven hundred and fitty seven, be possessed of, 5 quarters of or have in his, her or their custody or possession, or in the custo- wheat, &c. in dy or possession of any person or persons in trust, or for the use or his custody, benefit of such distiller or maker of low wines or spirits, more than five quarters of wheat, wheat meal, or wheat flour, at any one time, in any one or more place or places (not being a place or places for preparing, making, extracting, distilling, or keeping worts or wath, low wines or spirits) every such distiller or maker of low wines and spirits, shall, for every such offence respect- for feits the ively, forfeit all fuch wheat, meal and flour, exceeding the faid fame, and 51. quantity of five quarters, and also the sum of five pounds for for every every quarter fo forfeited.

VI. Provided always, That this act shall not extend to inflict Distillers not the faid last mentioned penalty and forfeiture upon any distiller to torfeit for or maker of low wines or spirits, who shall be the actual grower wheat of their of wheat, and shall be possessed of any quantity of such wheat own growth, grown by him or her in the straw, or after the same is threshed if fold within out or separated from the straw; provided such wheat shall not 20 days after be kept in his or her possession, or in the possession of any other being threshperson or persons in trust for him or her, for a greater space of ed, and not

time kept in work-

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time than twenty days after the same shall be threshed or separated from the firaw; and fo as such wheat be not kept in any place used for making, extracting or distilling low wines or spirits, or for preparing or keeping worts or wash.

Distillers, being millers are from the faid penalty and forteiture.

VII. Provided also, That this act shall not extend to inflict the faid last mentioned penalty and forfeiture upon any distiller also exempted or maker of low wines or spirits, who practifes the trade of a miller, and who was possessed of, and worked any mill or mills for the grinding of wheat, on or before the first day of January, one thousand seven hundred and fifty seven, for or upon account of any quantity of wheat, wheat meal, or wheat flour, which shall, during the time herein before limited, be found in any fuch mill or mills; any thing herein contained to the contrary notwithstanding.

Officers, &c. may by warrant, enter, or break open **ftorehouses** fulpected to have in them more than 5 quarters of wheat.

VIII. And be it further enacted by the authority aforesaid, That in case any officer or officers of the excise, or any other person or persons, shall, at any time or times, have cause to suspect that any wheat, wheat meal, or wheat flour, exceeding the quantity of five quarters, thall be laid or kept in any fuch storehouse, warehouse, grainary, or other place or places, as aforefaid, belonging to any distiller or maker of low wines or spirits, contrary to the true intent and meaning of this act, then, and in every such case, upon oath made by such officer or officers, or other person or persons, before the commissioners of excise for the time being respectively, or any two or more of them, or before one or more justice or justices of the peace residing near the place where such officer or officers, or other person or persons, shall suspect the same to be laid and kept, setting forth the ground of his or their suspicion, it shall and may be lawful to and for the

fons, shall make oath as aforesaid, (if he or they shall judge it reatonable) by special warrant under his or their respective hands and feals, to authorize and impower fuch officer or officers, or other person or persons, authorized as aforesaid, by day or by night (but if in the night, then in the presence of a constable, or other lawful officer, of the peace) to enter into all and every storehouse, warehouse, grainary, or other place or places, where he or they shall so suspect that any wheat, wheat meal, or wheat

faid commissioners, or justice or justices of the peace respectively, before whom such officer or officers, or other person or per-

found, to be feized and carried away,

numerary quarter.

The wheat so wines or spirits; and to seize, take and carry away, all such wheat, meal and flour, as he or they shall so find (over and above the faid quantity of five quarters, together with all the facks, bags, or other things, wherein the same shall be contained);

flour, exceeding the quantity of five quarters, as aforefaid, shall be laid or kept, belonging to any fuch distiller, or maker of low

and distiller to and such distiller or maker of low wines or spirits, or the person forfeit 51. for or persons in whose custody or possession such wheat, meal or every super- flour, belonging to such distiller shall be found, shall, for every fuch offence respectively, forfeit and pay the faid penalty of five pounds for every quarter, exceeding the faid quantity of five quarters; and the faid officer or officers, and other person or



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thereof, in case they be not forthwith opened on demand.

persons is or are hereby impowered by such warrant, together with fuch other person or persons as he or they shall take to his or their affistance, to enter such storehouses, warehouses, grainaries, and other place or places, and break open the doors

IX. And be it further enacted by the authority aforesaid, Penalties how That all penalties and forfeitures by this act imposed, shall be to be recoverfued for and recovered by action of debt, bill, plaint or information, in any of his Majesty's courts of record at Westminfler; or in the court of exchequer in Scotland; and that the court Court may before whom the same shall be recovered, may, and are hereby mitigate the authorized (if they shall think fit) to mitigate all or any of the same; pecuniary penalties herein before inflicted, to any fum not less than one fourth part of the sum herein respectively mentioned; and that one moiety of all the penalties and forfeitures, when Application recovered, shall be to the use of his Majesty, his heirs and suc- thereof. ceffors; and the other moiety to him or them who shall sue for the fame. or give information of, or discover the offence.

X. Provided always, That all fuits, profecutions or informa- Suits to be tions, for offences committed against this act, shall be com- commenced menced and made within the space of two calendar months within two after the fact is committed, and not otherways; any thing here months after in contained to the contrary notwithstanding.

in contained to the contrary notwithstanding.

XI. And whereas there have been contracts made by the distiller: Contracts for with several persons for yest, to be delivered and received at future delivery of times after the twenty ninth day of September one thousand seven hun. yestsuspended. dred and fifty fix; be it therefore further enacted by the authority aforesaid, That all contracts or bargains made by any distiller or distillers with any person or persons whatsoever, for any yest to be delivered at any time during the continuance of this act, shall

be, and are hereby declared to be suspended.

XII. And be it turther enacted by the authority afoldlaid, Limitation of That if any action or suit shall be commenced against any per- actions. fon or persons, for any thing done in pursuance of this act, such action or fuit shall be commenced within the space of four calendar months next after the offence shall be committed, and if such action or fuit shall be commenced or prosecuted in that part of Great Britain called England, the defendant or defendants in any fuch action or fuit may plead the general iffue, and give this act General iffue. and the fpecial matter in evidence, at any trial to be had thereupon; and that the same was done in pursuance and by the authority of this act; and if it shall appear so to have been done, the jury shall find for the defendant or defendants; and if the plaintiff shall be nonsuited, or discontinue his action, after the defendant or defendants shall have appeared, or if judgment shall be given upon any verdict or demurrer against the plaintiff, the defendant or defendants shall and may recover treble costs, Treble costs and have the like remedy for the same, as any defendant or defendants hath or have in other cases by law; and if such action or fuit be commenced or profecuted in that part of Great Britain called Scotland, the court before whom fuch action or fuit

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shall be brought, shall allow the defender to plead this act on his defence; and if the pursuer shall not insist on his action, or if judgment shall be given against such pursuer, the defender shall and may recover the full and real expences he may have been put to by any such action or suit.

CAP. XI.

An act for the regulation of his Majesty's marine forces while on shore.

CAP. XII.

An act to amend an act made in the twenty ninth year of the reign of his present Majesty, intituled, An act to render more effectual an act passed in the twelfth year of the reign of his late majesty King George, to prevent unlawful combinations of workmen employed in the woollen manufactures, and for better payment of their wages; and also an act passed in the thirteenth year of the reign of his said late Majesty, for the better regulation of the woollen manufacture; and for preventing disputes among the persons concerned therein; and for limiting a time for prosecuting for the forfeiture appointed by the aforesaid act, in case of payment of the workmens wages in any other manner than in money.

19 G. 1. C. 33. 12 G. 1. C. 34. 13 G. 1. C. 23.

WHEREAS by an act made and paffed in the twenty ninth year of the reign of his present Majesty, intituled, An act to render more effectual an act passed in the twelfth year of the reign of his late majesty King George, to prevent unlawful combinations of workmen employed in the woollen manufactures, and for better payment of their wages; and also an act passed in the thirteenth year of the reign of his faid late Majesty, for the better regulation of the woollen manufacture, and for preventing disputes among the persons concerned therein; and for limiting a time for profecuting for the forfeiture appointed by the aforesaid act, in case of the payment of the workmens wages in any other manner than in money; it was, amongst other things, enacted, That from and after the twenty fourth day of June, one thousand seven hundred and fifty six, it should be lawful for the justices of the peace assembled at any of their general or quarter sessions held next after Michaelmas yearly, to make rates for the payment of wages to weavers, and others employed in the woollen manufactures, according to the number of yards that the chains are laid upon the warping bars, and not otherwise: which rates by the said all were to continue for one year from the making thereof: and whereas, from the great variety of the said manufacture of broad cloth, as well in respect to breadth and colour, as to the quantity and quality of the material of which the same is composed, it is found impracticable to form any general rate of wages that would be just, adequate, and suitable to the several branches and circumstances of the said manufacture: and whereas great mischiefs and inconveniencies have arisen,



Anno tricefimo GEORGII II. C. 12. 1757.]

and may arise, from the exercise of the aforesaid power and authority given by the above recited all to the justices of the peace, to make rates for the payment of wages, as therein mentioned: for remedy whereof, may it please your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That so much of the said recited act as Clause in the enacts, That it shall and may be lawful for the justices of the recited act peace affembled at any of their general or quarter sessions held repealed. next after Michaelmas yearly, to make rates for the payment of wages to weavers, and others employed in the woollen manufactures, according to the number of yards that the chains are laid upon the warping bars, and not otherwise, shall be, and the same is hereby repealed.

II. And be it further enacted by the authority aforesaid, Agreements That all or any contracts or agreements made, or hereafter to entered into be made and entered into, between any clothier or maker of thier and mixed, medley or white broad cloth, and the weaver or weavers weaver, to be employed by fuch maker, in respect to any wages to be paid to binding; fuch weaver or weavers, thall, from and immediately after the hrit day of May one thousand seven hundred and fifty seven, be, and are hereby declared to be good, valid and effectual, to all intents and purposes; any rate made or to be made in pursuance of any law, statute or usage, to the contrary thereof in any wise

notwithstanding.

and applied.

III. And be it further enacted by the authority aforesaid, but to extend That the aforesaid contracts or agreements shall extend only to only to the the actual prices or rates of workmanship or wages to be paid, wages, which and not to the payment thereof in any other manner than in are to be paid money, contrary to the intent and meaning of the faid recited in money. act of the twenty ninth year of his present Majesty's reign.

IV. And be it further enacted by the authority aforesaid, Clothier not That if any clothier or maker of any mixed, medley or white paying the broad cloth, shall refuse or neglect to pay to the weaver or same within 2 weavers employed by him or them his or their wages or price days after deagreed on in money, within two days next after the work shall livery of the be performed and delivered to fuch employer, or some person on his behalf (the same being demanded of such employer or person employed on his behalf); then and in every such case, every fuch clothier or person so offending, shall for every such offence forfeit and pay the fum of forty thillings; to be reco- to forfeit 40 %. vered in such manner and form, and by such ways and means, and to be paid, applied, and disposed of, as the several penalties and forfeitures incurred and made payable by the faid recited act made in the twenty ninth year of his present Majesty's reign, are thereby directed and appointed to be recovered



CAP. XIII.

An all to rellify a mistake in an all passed this session of partiament, intituled, An act for the speedy and effectual recruiting of his Majesty's land forces and marines.

Cap. 8.

TATHEREAS by an act made this present session of parliament, intituled, An act for the speedy and effectual recruiting his Majesty's land forces and marines; it is enacted, That for the encouragement of fit and able persons voluntarily to enter into his Majesty's service, every person who should voluntarily enter himself into his Majesty's service, in the manner therein mentioned, should receive the sum of three pounds out of the money of the land tax arisen, or to arise, in the years one thousand seven hundred and fifty six, and one thousand seven hundred and fifty seven: and whereas in the provision made by the said att for the repayment of part of the sums so to be supplied out of such land taxes, for such encouragement as aforesaid, the word Pound is by mistake inserted, instead of the words three pounds; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament affembled, and by the authority of the same, That it shall be law-Forty fhillings of every three ful for the lord high treasurer, or commissioners of the treasury for the time being, to cause forty shillings of every three pounds which shall be so supplied out of the said land tax money for payment of the encouragements aforefaid, to be repaid into his Majesty's exchequer by the respective paymasters of his the paymasters Majesty's forces, out of such money as they shall receive for the of the forces. said forces, to make good the respective credits on the said land taxes, and to be applied to the fatisfaction of fuch principal and interest (if any) as shall be remaining thereupon; any thing in the said act contained to the contrary notwithstanding.

pounds paid out of the land tax, to be repaid into the exchequer by

CAP. XIV.

An all for continuing an all of this present session of parliament, intituled, An act to discontinue, for a limited time, the duties upon corn and flour imported; and also upon such corn, grain, meal, bread, biscuit and flour, as have been, or shall be taken from the enemy, and brought into this kingdom.

Cap. 7.

THEREAS an act made in this present session of parliament, intituled, An act to discontinue, for a limited time, the duties upon corn and flour imported; and also upon such corn, grain, meal, bread, biscuit and flour, as have been, or shall be taken from the enemy, and brought into this kingdom, which will expire upon the twenty fourth day of August one thousand seven hundred and fifty seven, hath been found useful and beneficial: and whereas it is found neceffary that the faid att should be continued for a longer time; be it therefore enacted by the King's most excellent majesty, by

Anno tricesimo Georgii II. C. 15.

and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That the said act shall be, and the Recited act fame is hereby further continued from the expiration thereof, continued to until the fifteenth day of November next.

15 November next.

CAP. XV.

An act for continuing an act of this present session of parliament, intituled, An act to prohibit, for a limited time, the making of low wines and spirits from wheat, barley, malt, or any other fort of grain; or from any meal or flour.

HEREAS an act made in this present session of parliament, Cap. 10. intituled, An act to prohibit, for a limited time, the making of low wines and spirits from wheat, barley, malt, or any other fort of grain; or from any meal or flour; which will expire upon the eleventh day of May, one thousand seven hundred and fifty feven, bath been found useful and beneficial: and whereas it is found necessary that the said att should be continued for a longer time; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said act shall be, and the same act continued is hereby continued from the expiration thereof, until the ele- to 11 Decem-

venth day of December next.

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II. Provided always, and be it enacted by the authority afore- His Majesty faid, That in case his Majesty, at any time or times after the impowered by eleventh day of May one thousand seven hundred and fifty seven, proclamation and before the eleventh day of December one thousand seven or order of hundred and fifty feven, shall, in his royal discretion, judge it council, to suto be most for the benefit and advantage of this kingdom, to and permit dipermit the making of low wines and spirits from wheat, bar-stillation from ley, malt or any other fort of grain, or from any meal or flour, wheat, &c. that then it shall and may be lawful to and for his Majesty, by his royal proclamation or proclamations to be iffued, by and with the advice of his privy council, or by his Majesty's order in council, to be published in the London Gazette, from time to time, to permit and fuffer all and every person and persons, natives and foreigners (but not any particular person or persons) at any time or times after the said eleventh day of May one thoufand seven hundred and fifty seven, and before the said eleventh duy of December, one thousand seven hundred and fifty seven, to make low wines and spirits from wheat, barley, malt, or any other fort of grain, or from any meal or flour; any thing herein contained to the contrary notwithstanding.

ber next.



CAP. XVI.

An act to extend the liberty granted by an act of the twenty third year of the reign of his present Majesty, of importing bar iron from bis Majesty's colonies in America, into the port of London, to the rest of the ports of Great Britain; and for repealing certain clauses in the said act.

23 G. 2. C. 29. WHEREAS by an all made in the twenty third year of the reign of his present Majesty, intituled, An act to encourage the importation of pig and bar iron from his Majesty's colonies in America; and to prevent the erection of any mill or other engine for flitting or rolling of iron; or any plating forge to work with a tilt hammer; or any furnace for making steel in any of the said colonies, it is enacted, That from and after the twenty fourth day of June one thousand seven hundred and fifty, no fubsidy, custom, imposition, rate or duty what soever, should be payable upon bar iron made in, and imported from, his Majesty's colonies in America, into the port of London: and whereas the admission of such bar iron into the rest of the ports of Great Britain, duty-free, will be advantageous to the iron manufacture, as well as to the general trade and commerce of these kingdoms; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of Bar iron to be the same, That from and after the twenty fourth day of June one imported from thousand seven hundred and fifty seven, the several and respect-America, duty ive subsidies, customs, impositions, rates and duties, now payable on bar iron made in, and imported from, his Majesty's colonies in America, into any port of Great Britain, shall cease, determine, and be no longer paid; and that the faid act, and every clause, matter and thing, therein contained, so far as relates to the importation of bar iron from America (except that is altered or repealed by this act) shall, and is hereby declared to extend to all the ports in Great Britain, as fully as if the same

Clauses in the

recited act relating to the importation thereof, extended to all the ports of Great Britain, tute, or usage to the contrary notwithstanding.

II. And whereas by the said act of the twenty third year of his present Majesty, it is enacted, That no bar iron what soever shall be permitted to be carried coastwise, unless mention be made in the certificate to be granted for that purpose, of the day on which the subsidies, customs, impositions, rates and duties, payable upon the importation Clauserelating thereof, were paid, and of the name of the person or persons by wbom to certificates the same were paid; be it enacted by the authority aforesaid, fordutiespaid, That from after the said twenty fourth day of June one thouon being car- fand seven hundred and fifty seven, the said clause shall be, and ried coattwife is hereby declared to be repealed.

were repeated and re-enacted in this present act; any law, sta-

III. And whereas by the faid act of the twenty third year of his present Majesty, it is enacted, That no bar iron imported into the port of London by virtue of the faid act, shall be carried or conveyed by land, beyond ten miles from any part of the port of London;

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be it enacted by the authority aforesaid, That from and after the Clause prohitwenty fourth day of June one thousand seven hundred and biting the carfifty feven, the faid clause shall be, and is hereby declared to be by land 10

repealed.

IV. And whereas by the said act of the twenty third year of his London, represent Majesty, it is enacted, That all bar iron imported from any pealed. of his Majesty's colonies in America into the port of London, shall be stamped with such mark or stamp as the commissioners of the customs shall direct, in three different parts of each bar, which provision will be for the future unnecessary; be it enacted by the authority afore- Clause requirfaid, That the faid act, so far as relates to the stamping or ing the bars marking of American bar iron, in the port of London, shall, to be stamped, from and after the twenty fourth day of June one thousand repealed. seven hundred and fifty seven, be, and is hereby declared to be repealed.

rying thereof miles from

CAP. XVII.

An act for the importation of fine organzined Italian thrown filk.

WHEREAS by an act made in the second year of the reign of 2 W.&M. fest. their late majesties King William and Queen Mary, inti 1. c. 9. tuled, An act for the discouraging the importation of thrown filk; amongst other things in the said all contained, the bringing in of thrown filk of the growth or production of Italy is prohibited, unless imported in such ships or vessels, and navigated in such manner, as in and by an act made in the twelfth year of the reign of King Charles the Second, intituled, An act for the encouraging and 12 Car. 2. and encreasing of shipping and navigation, is directed and allow- c. 18. ed, and brought from some of the ports of those countries or places, whereof the same is the growth or production, and which shall come directly by Sea, and not otherwise: and whereas there is at present very great and immediate want of organzined thrown filk from Italy, for the use and purpose of warp in the silk manufacture, without which the manufacture cannot be carried on, and many thou-Sands of manufacturers must be unemployed; be it therefore enacted by the King's most excellent majesty, by and with the advice and confent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for Liberty given any person or persons to import or bring into this kingdom, to import orfrom any port or place, or in any thip or vessel whatsoever, un- ganzined til the first day of December one thousand seven hundred and thrown filk fifty seven, organzined thrown filk, of the growth or produc- from Italy for tion of Italy; any thing contained in the faid recited acts, or alimited time. any other act, to the contrary thereof notwithstanding.

II. Provided always, That this act, nor any thing herein Silks of a parcontained, shall extend to give liberty to import any Italian ticular fort thrown filk, that shall be coarser than a fort thereof, known and prohibited to distinguished by the name of Third Bolonia, nor any forts of filks under this act, commonly called Train, of the growth of Italy, nor any other under penalty

thrown of forfeiture.

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11757thrown filk of the growth or production of Turkey, Persia, East India, or China, under the penalty of forfeiting all such thrown

filks, as shall be brought over and imported contrary to the purport, true intent, and meaning of this act; one moiety whereof to the use of his Majesty, his heirs and successors, and the other moiety to such person or persons who shall seize, inform, or sue for the same; to be recovered by bill, plaint or information, in any of his Majesty's courts of record at Westminster; wherein no essoin, protection, or wager of law shall be al-

lowed.

All'organzined thrown filk wherelodon, under penalty of for. feiture.

III. And for the better and more effectual execution of this act, and to prevent the importation of any fort of thrown filk not crganzined; be it further enacted and declared, That all such orbe brought up ganzined thrown filk, as is allowed to be imported by this act, to the custom- wheresoever landed, shall be brought to his Majesty's custom house at Lon- house at London; to the intent that no other fort of thrown filk may be imported, than that allowed by this act, under the penalty of forfeiting all fuch thrown filk as shall be imported contrary to the purport, true intent and meaning of this act; one moiety whereof shall be to the use of his Majesty, his heirs and succeffors, and the other moiety to fuch person or persons who shall feize, inform or sue for the same; to be recovered by bill, plaint or information, in any of his Majesty's courts of record, wherein no essoin, protection or wager of law shall be allowed; any thing to the contrary hereof in any wife notwithstanding.

CAP. XVIII.

An all for the relief and encouragement of the captors of prizes, with respect to the bringing and landing prize goods in this kingdom.

7 & 8 W. 3. C. 20.

WHEREAS the duties granted by an act passed in the seventh and eighth years of the reign of the late King William the Third, upon French wines and other goods of the growth, product or manufacture of France, as well as several other duties upon various goods imported into this kingdom, are by law not to be drawn back upon the re-exportation thereof into foreign parts: and whereas such duties have been found in several instances to be equal to the value of the goods which have been taken as prize from the French, and thereby the captors have so far lost the benefit of their prizes; which discouragement hath often induced captors to carry their prizes directly to foreign parts, to the prejudice of this kingdom: therefore be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That any goods of the growth, product or after condem. manufacture of France, or of any of the dominions belonging to the crown of France, that have been or shall hereafter be taken during the continuance of the present war, and brought hither by any of his Majesty's ships of war or privateers, shall and may, upon condemnation thercof as lawful prize, be land-

nation, may be lodged in private warehonles, under the King's IULKS;

Anno tricesimo Georgii II. C. 18.

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ed in any port within this kingdom, and secured under the King's locks in warehouses provided at the sole expence of the captors, with the privity and approbation, and under the care and inspection of the commissioners, or other principal officers for collecting and managing the respective duties of customs and excise, to which such goods are liable; and upon admission of Duties are to any fuch goods taken fince his Majesty's declaration of war a- be paid theregainst France, into such warehouses, there shall be paid by the on, but no captors, or their agents, the following duties only; which shall drawback on not be afterwards drawn back or repaid upon the exportation of the same goods; that is to say, For all such goods (except wines What duties and vinegar, and fuch goods as are herein after enumerated) of are payable on the growth, product or manufacture of France, or any of the goods, if taken dominions belonging to the crown of France, taken as afore-thips; faid by any of his Majesty's ships of war, the half of the old fubfidy granted by the act of tonnage and poundage passed in the twelfth year of the reign of King Charles the Second; and za C. s. c. 4 the whole of the further subsidy of poundage granted by an act passed in the twenty first year of the reign of his present Ma- 21 G. 2. c. s. jesty, being what is commonly called The subsidy one thousand what if taken feven bundred and forty feven; and for the like goods if taken by by privateers. any private ship of war, the half of the said old subsidy, and no more; which duties shall be collected, paid and applied in the Customary alfame manner, and to the same purposes, whereunto they are lowances and by law appropriated, subject nevertheless to the customary and discounts to be legal discounts and abatements, and allowances for damage; Duties on and for every ton of French wine and French vinegar taken as French wine aforesaid, either by his Majesty's ships of war or privateers, the and vinegar. fum of three pounds; and so after the same rate for any greater or lesser quantity; to be paid into the receipt of his Majesty's exchequer, as part of the duties arifing by an act paffed in the eighteenth year of the reign of his present Majesty, intituled, 18 G. 2. c. 9. An act for granting to his Majesty several additional duties upon all wines imported into Great Britain; and for raising a certain sum of money by annuities and a lottery, in manner therein mentioned, to be charged on the faid additional duties.

II. And be it further enacted by the authority aforesaid, That Duty to be paid the half of the old fubfidy granted by the faid act of the twelfth ad valorem, of Charles the Second, and the whole of the further subsidy of upon the poundage, granted by the said act of the twenty first year of the goods here ereign of his present Majesty, which is directed by this act to be numerated. paid for such prize goods taken by his Majesty's ships of war; and the half of the old subsidy granted by the said act of the twelfth of Charles the Second, which is directed by this act to be paid for such prize goods taken by private ships of war, shall be payable ad valorem, and no otherwise, upon the oath of the captors or their agents, upon the following goods; that is to fay, upon all forts of woollen and filk manufactures, and hats, handkerchiefs, checks, knives and nails, notwithstanding the same may have been rated in the book of rates of the twelfth year of the reign of Charles the Second, or the additional book

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are to be levied, &c.

11 G. 1. C. 7.

How the same of rates of the eleventh year of the reign of his late majesty King George the First; and that the said duties ad valorem respectively on the goods before enumerated, shall be levied and collected by the same rules and regulations, and under the same penalties and forfeitures, as are directed and prescribed in and by an act of the eleventh year of the reign of his late majesty King George the First, intituled, An act for rating such unrated goods and merchandizes as are usually imported into this kingdom, and pay duty ad valorem, upon the oath of the importer; and for ascertaining the value of all goods and merchandizes not inserted in the former or present book of rates; and for repealing certain duties upon drugs and rags; and for continuing the duty upon apples; and for ascertaining the method of admeasuring pictures imported.

III. Provided always, That no duties or customs whatsoever thip stores ex- shall be demanded or taken for any prize goods consisting of any military or ship stores; any thing in this or any other act con-

tained to the contrary notwithstanding.

Prize goods war, may he exported,

empted from

Military or

duty.

upon payment of the duties of this act;

and fuch as were taken before, may be out paying any duty; the exporter giving fecurity.

Goods taken out of the home conportation.

IV. And it is hereby further enacted by the authority aforetaken fincethe faid, That any prize goods of the growth, product or manufacdeclaration of ture of France, or any of the dominions belonging to the crown of France, which shall be received into any warehouse in pursuance of this act, or which are now remaining in any warehouse in this kingdom, where they have been secured, under the King's locks, by the permission of the commissioners of the customs, shall and may, upon payment of the respective duties before directed by this act (if the same have been taken since the declaration of war) be exported at any time directly from thence, either by the captors or their agents, or by any other person or persons, without paying any further duty of customs or excise for the same; and if fuch goods shall have been taken before the said declaration of war, the same shall and may be exported in like manner, without payment of any duty of customs or excise whatsoever; exported with- the person or persons exporting the same, giving sufficient security in double the value of the goods, before the delivery thereof out of the warehouse, that the same shall be really and truly exported, and not brought back again or relanded in any part of Great Britain, or the islands of Guernsey, Jersey, Alderney, Sark or Man; which security the customer or collector of the port from whence the same are intended to be exported, is hereby required and authorized to take in his Majesty's name, and to his Majesty's use.

V. Provided always, and it is hereby further enacted by the authority aforesaid, That if any goods shall be taken out of any warehouse for warehouse, wherein they are secured as aforesaid, to be consumed in this kingdom, the person or persons so taking out the same, pay the duties shall first pay up the remainder of the duties which would have payable on im- been due and payable to his Majesty thereon, if the same had been regularly imported by way of merchandize into this kingdom; and such goods shall, in all other respects, be liable to the fame restrictions and regulations to which they would have been

subject, if this act had not been made.

Anno tricelimo Georgii II. c. 19. 1757-

VI. Provided nevertheless, That nothing in this act shall ex- Damaged tend, or be construed to extend, to charge any wine with the be- wines, if given fore-mentioned duty of three pounds per ton, which shall at the King's offitime of landing the same be damaged, corrupt or unmerchanta- cers, not liable ble, and which shall be given up by the captors or their agents, to the duty of to the officers of the customs, to be publickly fold, in order to 31. per ton. be distilled into brandy, or to be made into vinegar, in the manner directed by an act passed in the twelfth year of the reign of 12 G. 1.c. 28. his late majesty King George the First, intituled, An act for the improvement of his Majefly's revenues of customs, excise and inland duties.

VII. Provided also, That nothing in this act contained shall The duties extend, or be construed to extend, to lessen or any ways alter the payable on duties which by law are due and payable upon goods that are the goods of the growth, product or manufacture of any other country or place, growth of oexcept France and the dominions belonging to the crown of not altered by France, which may be taken as prize and condemned in this this act. kingdom.

CAP. XIX.

An act for granting to bis Majesty several rates and duties upon indentures, leases, bonds and other deeds; and upon news papers, advertisements and almanacks; and upon licences for retailing wine; and upon coals exported to foreign parts; and for applying, from a certain time, the fums of money arising from the surplus of the duties on licences for retailing spirituous liquors; and for raising the sum of three millions, by annuities, to be charged on the said rates. duties and sums of money; and for making perpetual an all made in the second year of the reign of his present Majesty, intituled, An act for the beter regulation of attornies and folicitors; and for enlarging the time for filing affidavits of the execution of contracts of clerks to attornies and solicitors; and also the time for payment of the duties omitted to be paid for the indentures and contracts of clerks and apprentices.

Most gracious Sovereign,

E, your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament affembled, towards raising by the most easy means the necessary supplies to defray your Majesty's publick expences, have freely and voluntarily resolved to give and grant unto your Majesty the several rates and duties, and sums of money berein after mentioned; and do most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present and after Additional after duties

after the fifth day of July one thousand seven hundred and fifty seven, there shall be raised, levied, collected and paid throughout the kingdom of Great Britain, unto and for the use of his Maje-sty, his heirs and successors,

on indentures, leases, bond s and other deeds. 22 Ann. c. 9.

For every skin or piece of vellum or parchment, of sheet or piece of paper, upon which shall be ingrossed, written or printed in Great Britain, any indenture, lease, bond or other deed, for which a stamp duty of six pence is payable, by virtue of an act made in the twelfth year of the reign of her late majesty Queen Anne, over and above all other rates and duties by the said act, or by any other act of parliament imposed, an additional stamp duty of one shilling.

Upon news papers. 10 Ann. c. 19.

For and upon every news paper or paper containing publick news, intelligence or occurrences printed in Great Britain, to be dispersed and made publick, whether the same be contained in half a sheet, or any less piece of paper, or in any paper larger than half a sheet, and not exceeding one whole sheet, over and above all other rates and duties by an act made in the tenth year of the reign of her late majesty Queen Anne, or by any other act of parliament imposed, an additional duty of one half penny.

Upon advertisements in news papers. For every advertisement to be contained in the London Gazette, or any other printed paper in Great Britain, to be dispersed or made publick weekly, or oftener, over and above all other rates and duties by an act made in the tenth year of the reign of her late majesty Queen Anne, or by any other act of parliament imposed, an additional duty of one shilling; and,

Upon advertisement contained in or published with any paper or pamphlet whatsoever, printed in Great Britain, to be pamphlets, or dispersed or made publick yearly, monthly, or at any other inperiodical terval of time exceeding one week, a duty of two shillings.

Upon advertisements in pamphlets, or periodical works, &c. Upon sheet almanacks.! 9 Ann. c. 23.

For every almanack or calendar for one particular year, or for any time less than a year, printed on one side only of any one sheet or piece of paper, over and above the duty charged thereon by an act made in the ninth year of the reign of her late majesty Queen Anne, an additional duty of one penny.

Upon other almanacks. For every other printed almanack or calendar for any one particular year, over and above the duty charged thereon by the faid act, an additional duty of two pence; and,

Upon almanacks to ferve for feveral years.
Upon licences for retailing wine, where no other licence is taken out.

Upon alma- For every almanack or calendar made to ferve for feveral years, nacks to ferve the faid feveral additional duties for every fuch year; and,

For every piece of vellum or parchiment, or sheet or piece of paper, on which shall be ingrossed, written or printed any licence for retailing of wine, to be granted to any person who shall not take out, either a licence for retailing of spirituous liquors, or a licence for retailing of beer, ale or other exciseable liquors, over and above all other rates and duties payable by virtue of any former act or acts of parliament, imposing any duties on stampt vellum, parchiment and paper, an additional duty of five pounds.

Upon licences for retailing

For every piece of vellum or parchment, or theet or piece of paper, on which shall be ingrossed, written or printed any li-

cence

cence for retailing of wine, to be granted to any person who shall wine, where a take out a licence for retailing beer, ale and other exciseable lilicence for beer quors, but shall not take out a licence for retailing of spirituous out. liquors, over and above all other rates and duties payable by virtue of any former act or acts of parliament, imposing any duties on flampt vellum, parchment and paper, an additional duty of sour pounds; and,

For every piece of vellum or parchment, or sheet or piece of Upon licences paper, on which shall be ingrossed, written or printed any li- for retailing cence for retailing of wine, to be granted to any person who shall wine, where lialso take out a licence for retailing of spirituous liquors, over cence for spiand above all other rates and duties payable by virtue of any for- is taken out. mer act or acts of parliament, imposing any duties on stamp vellum, parchment and paper, an additional duty of forty shillings.

II. And be it further enacted by the authority aforesaid, That from and after the fifth day of July one thousand seven hun- sool penalty dred and fifty seven, no person whatsoever, unless he be autho- wine unlicenrized and enabled in the manner herein after prescribed, shall sed. fell or utter by retail, that is, by the pint, quart, pottle or gallon, or by any other greater or less retail measure, or in bottles in any less quantity than shall be equal to the measure of the cask or vessel in which the same shall have been or may lawfully be imported, any kind of wine or wines, or any liquor called or reputed wine, upon pain to forfeit, for every such offence, the sum of one hundred pounds; the one moiety of every such penalty to be to the use of the King, his heirs and successors, and the other moiety to him or them who will inform for the same; the said penalty to be recovered in such manner as the penalties for offences committed against any laws imposing any duties on stampt vellum, parchment or paper are directed to be recovered.

III. And be it further enacted by the authority aforesaid, That Commissioners from and after the said fifth day of July one thousand seven for stamps to hundred and fifty seven, any two or more of his Majesty's com-grant wine limissioners appointed for managing the duties arising by stamps on vellum, parchment or paper, and no other person whatsoever. shall grant licences under their hands and seals, to such persons as they shall think fit, to sell and utter by retail in manner aforefaid, any kind of wine or wines, or liquor called or reputed wine whatsoever, in any city, town or other place within Great Britain for the space of one year from the date of such licences.

IV. Provided nevertheless, That if before the fifth day of July Licences one thousand seven hundred and fifty seven, the agents or com-grantedby formissioners authorized by virtue of the said act made in the twelfth mer commissioners year of the reign of King Charles the Second, shall have granted good for the a licence to any person to sell wine by retail for the space of one term they were year, or for any term not then expired, the person so licenced shall granted for. be enabled to fell wine by retail for the space of one year from 12 Car. 2. c. the date of such licence, or until the expiration of the term for 25. which the licence shall be so granted; any thing in this act before contained to the contrary notwithstanding.

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V. And

IX. Pro-



New licences to be taken every year, and the duty paid at the lame tune.

Licences to be fons at a di-Itance, upon application in their behalf, and payment of duty. 12 Car. 2. C. 25 in part repealed.

V. And be it further enacted by the authority aforesaid, That every person who shall take out such licence for retailing wine as atorelaid, to endure for the space of one year, shall take out a treth licence ten days at the least before the expiration of that year for which he shall be so licensed, if he or she shall continue to tell wine by retail, and in the fame manner shall renew such licence from year to year, paying down the respective sums due for fuch licences; and so yearly and every year, as long as he or the shall continue to sell or utter wine by retail, in manner atorefaid.

VI. And be it further enacted by the authority aforesaid, That granted to per- upon application made by, or in behalf of, any person not residing in the weekly bills of mortality, for a licence to retail wine, the faid commissioners for the time being shall deliver or cause to be delivered such licence, upon payment of the duty payable

thereupon.

VII. And whereas, by virtue of an all made in the twelfth year of the reign of King Charles the Second, intituled, Anact for the better ordering the felling of wines by retail; and for preventing abuses in the mingling, corrupting and viciating of wines; and for fettling and limiting the prices of the same; his Majesty's agents for granting licences to fell and utter wine by retail, are enabled to grant fuch licences to persons retailing wines, on the terms and for the yearly rents in the faid all mentioned: And whereas it was provided by the faid all, that the rents, revenues and sums of money thence arising, except what should be allowed for the Salaries or wages of his Majesty's said agents, and the officers and ministers to be appointed for the better carrying on of the faid fervice, which was not to exceed fix pence out of every pound thereof, should be duly and constantly paid and answered into the reccipt of his Majesty's exchequer, which revenue is now vested in his Majefly, his heirs and successors, and is part of the revenue established for the better support of his Majesty's houshold, and of the honour and dignity of the crown of Great Britain: And whereas his Majesty, for the benefit of the publick, has been graciously pleased to consent to an abolition of the said revenue, and to accept in lieu thereof a yearly income, equal to the net produce of the said revenue arising from licences to retail wine; be it further enacted by the authority aforefaid, That the said act made in the twelfth year of the reign of King Charles the Second, except fo much thereof as relates to the preventing abuses in the mingling, corrupting and viciating of wines, and to settling and limiting the prices of the same, shall from and after the said fifth day of July one thousand seven hundred and fifty seven be repealed, and the yearly rents and sums of money thereby payable by virtue of the said act on licences to retail wine, shall cease and determine.

VIII. Provided also, and be it further enacted by the authority aforesaid, That from and after the said fifth day of July one thousand seven hundred and fifty seven, the commission whereby agents and commissioners are appointed by virtue of the said act for granting licences to retail wine, shall cease and determine.

mission for granting licen ces by virtue thereof to

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ecaic.

Anno tricelime Georgii II. C. 19. 2757-3

IX. Provided always, That this act, or any thing herein Privileges of contained, shall not in any wife be prejudicial to the privileges the universities of the two universities in that part of Great Britain called England, them. or either of them, nor to the chancellors or scholars of the same, or their successors, but that they may use and enjoy such pri-

thing herein contained to the contrary notwithstanding. X. Provided also, That this act, or any thing therein con- Privileges of tained, shall not extend to be prejudicial to the master, wardens, the vintners freemen and commonalty of the vintners of the city of London, company of or to any other city or town corporate, but that they may use and London, reenjoy fuch liberties and privileges, as they have heretofore law- ferved to them.

vileges as they have heretofore lawfully used and enjoyed; any

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fully used and enjoyed.

XI. Provided nevertheless, That no person, who, from and Exemption after the faid fifth day of July one thousand seven hundred and from the duty fifty feven, shall be admitted to the freedom of the faid company not to exof vintners of the city of London, by redemption only, shall be ex- tend to persons empted from the obligation of taking out a licence for felling or purchasing uttering wine by retale, or from the payment of the duties hereby in the faid granted on licences to retail wine; but that the freemen only of company. the faid company, who have been already admitted to their freedom, or who from and after the faid fifth day of July one thoufand seven hundred and fifty seven, shall be admitted to their freedom in right of patrimony or apprenticeship, thall be entitled to fuch exemption.

XII. Provided also, and be it enacted by the authority afore- Power of the faid, That this act, or any thing herein contained, shall not in corporation of any wife extend to debar or hinder the mayor and burgeffes of the St. Albans to borough of Saint Albans in the county of Hertford, or their fuc-grant licences, ceffors, from enjoying, using and exercising, all such liberties, reserved to powers and authorities, to them heretofore granted by several letters patents, under the great seal of England, by Queen Elizabeth and King James the First, for the erecting, appointing and licensing of three several wine taverns, within the borough aforesaid, for and towards the maintenance of the free school there; but that the same liberties, powers and authorities, shall be and are hereby established and confirmed, and shall remain and continue in and to the faid mayor and burgesses, and their fuccesfors, to and for the charitable use aforesaid, and according to the tenor of the letters patents aforesaid, as though this act had never been made; any thing in this act contained to the contrary

in any wife notwithstanding..... XIII. Provided always, and be it enacted by the authority 700 11. 145. 14 aforesaid, That from and after the said fifth day of July one thou- to be paid anfand seven hundred and fifty seven, there shall be paid to his Ma-nually, as an jesty, his heirs and successors, out of the monies which shall arise equivalent to from the new duties on licences to retail wine, by four quarterly his Majetty, payments, on the tenth day of October, the fifth day of January, tieson licences the fifth day of April, and the fifth day of July yearly, in every for wine, year, the fum of seven thousand and two pounds fourteen shillings and three pence, which appears to have been the neat an-

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Anno tricesimo GEORGII II. C. 19.

nual produce of the former duties on licences for retailing wine, at a medium of fix years, ending the fifth day of January one

thousand seven hundred and fitty seven.

His Majesty impowered to grant pensions to the late out of the duties on wine licences.

XIV. Provided nevertheless, and be it enacted by the authority aforesaid, That out of the several duties before-mentioned, payable by virtue of this act for licences to retail wine, his Majefty, his heirs and successors, be, and he or they is and are hereby commissioners, impowered to grant, by warrant or warrants under his or their fign manual, during pleasure, to the several agents or commissioners for managing the duties on wine licences granted by the faid acl made in the twelfth year of the reign of King Charles the Second, and their officers, or to fuch of the faid agents or officers as his Majesty, his heirs and successors, shall think proper objects of his or their royal bounty, such yearly allowances as his Majefly, his heirs and successors, shall judge fit, so as no allowance to any fuch agent or commissioner shall exceed five hundred pounds by the year, and so as no such allowance to be made to any other fuch officer, shall exceed the present annual amount of the falaries and wages due and payable to fuch officers respectively.

Penfions not to exceed a certain fuin.

XV. And whereas the duties on licences for retailing wine, granted by this act, are subjected to the payment of the yearly sum of seven thousand and two pounds fourteen shillings and three pence, as an equivalent for a revenue vested in his Majesty, his heirs and successors, by virtue of an act of the parliament of England, made before the union of the two kingdoms of England and Scotland: And whereas his Majefly is by this aft improvered to grant, during pleasure, out of the produce of the duties for retailing wine hereby granted, to the agents and officers employed in the collection of the revenue hereby repealed, certain yearly allowances, which may amount to the fum of three thousand three bundred and ten pounds: And whereas that part of Great Britain called Scotland was not Subject to the payment of any part of the revenue arising from wine licences so vested in his Majefly, his heirs and successors, as aforesaid, it having been agreed by the fourteenth article of the treaty of union, that the king lom of Scotland should not be charged with any other duties laid on by the parliament of England before the union, except those consented to by the faid treaty, and ought not to be subject to any part of the duties granted by this prefent ael, applicable as an equivalent to the faid former revenue, or in consequence thereof, but to such a proportion only of the auties granted by this present act as is applicable to the publick service; be it provided and enacted by the authority aforefaid, That in all cafes where a duty of five pounds is herein before directed to be paid on a licence for retailing wine, a duty of three pounds fix shillfor licences to ings and eight pence, and no more, shall be paid for a licence to retail wine in that part of Great Britain called Scotland; and that in all cases where a duty of four pounds is herein before directed to be paid for fuch licence, a duty of two pounds thirteen shillings and four-pence, and no more, shall be paid for a licence to retail wine in that part of Great Britain called Sistand; and that in all cases where a duty of two pounds is herein

Proportional duties payable in Scotland, retail wine.

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before directed to be paid for every fuch licence, a duty of one pound fix shillings and eight pence, and no more, shall be paid for a licence to retail wine in that part of Great Britain called Scotland; anything in this act contained to the contrary thereof in any wife

notwithstanding.

XVI. Provided also, and be it further enacted by the autho- Commissione rity aforesaid, That it shall and may be lawful for the said com- for the stamp missioners for managing the duties on stamped vellum, parch- impowered to ment and paper, to collect and recover, or cause to be collected levy the dutie or recovered, for the use of his Majesty, his heirs and successed due on wine fors, all such arrears of rent for licences to retail wine, or of forfeitures for retailing wine without licence, which shall have been incurred at any time before the faid fifth day of July one thousand feven hundred and fifty feven; for which purpose, as well as for the better enabling them to execute the trusts hereby in them reposed, all the books, registers, papers, instruments, or other writings belonging to the faid agents appointed by virtue of the faid act made in the twelfth year of the reign of King Charles the Second, for granting licences to retail wine, shall, as soon as conveniently may be, be transferred to the custody of the said commissioners for managing the duties on stamped vellum, parchment and paper.

XVII. And be it further enacted by the authority aforesaid, The new du-That for the better and more effectual levying, collecting, ties put also and paying all the faid additional and new duties herein before under their granted, the same shall be under the government, care and ma-management. nagement, of the commissioners for the time being appointed to manage the duties charged on stamped vellum, parchment and paper; who, or the major part of them, are hereby required and empowered to employ the necessary officers under them for that purpose; and to cause such new stamps to be provided to denote the faid feveral duties, as shall be requisite in that behalf, and to do all other things necessary to be done for putting this act in execution with relation to the faid feveral rates and duties herein before granted, in the like, and in as full and ample manner, as they, or the major part of them, are authorized to put in execution any former law concerning stamped vellum,

parchment or paper.

XVIII. Provided always, and be it further enacted by the One new stamp authority aforesaid, That to prevent the multiplication of stamps to be provid. upon fuch pieces of vellum or parchment, or flicets or pieces of cd to denote paper, on which several duties are by several acts of parliament the several duimposed, it shall and may be lawful for the said commissioners, ties on vellum, instead of the distinct stamps directed to be provided todenote the paper, &c. feveral duties on the vellum, parchment or paper, charged therewith, to cause one new stamp to be provided, to denote the said feveral duties on every piece of vellum or parchment, or sheet or piece of paper, charged with the faid several duties.

XIX. And be it further enacted by the authority aforefaid, Indentures, That all velium, parchment and paper, upon which any inden-leafes, bonds, ture, leafe, bond or other deed, by this act charged with a duty &c. charged E 3

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15. to be office to be ftampt.

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with a duty of of one shilling, shall, from and after the faid fifty day of July one thouland leven hundred and fifty leven, be ingroffed, writbrought to the ten or printed, shall be brought to the head office for stamping or marking vellum, parchment and paper; and the faid commiffioners by themselves, or by their officers employed under them, shall forthwith, upon demand to them made by any person or persons, from time to time, stamp or mark any quantities or parcels of vellum, parchment or paper, to be used for the purpose of ingrossing, writing, or printing such indentures, leases, bonds and other deeds, he or they paying to the receiver general of the stamp duties for the time being, or his deputy or clerk, the several duties payable for the same by virtue of this act; which stamp or mark to be put thereupon in pursuance of this act, shall be a sufficient discharge for the duty hereby payable for the vellum, parchment or paper fo stamped or marked.

XX. And be it further enacted by the authority aforesaid, That the faid commissioners for the time being, shall take care that the several parts of the kingdom of Great Britain, shall, from time to time be fufficiently furnished with vellum, parchment and paper, stamped and marked as by this act is directed, to the end that the subjects of his Majesty, his heirs and successors, may have it in their election, either to buy the same of the officers and persons to be employed by the said commissioners at the usual and most common rates above the said duties, or to bring their own vellum, parchment or paper, to be stamp-

ed and marked as aforefaid.

XXI. And be it further enacted by the authority aforesaid, That the price of such stamped vellum, parchment or paper, shall be yearly set, and such price marked, and such allowance made on present payment of the said duties, for any quantity of the said vellum, parchment or paper, so to be sold, in such manner as by any former law relating to stamped vellum, parch-

ment or paper, is directed. XXII. And be it further enacted by the authority aforefaid, That fuch stamps as the faid commissioners are hereby directed and authorized to provide and use, shall and may be altered and renewed, in such manner, as any other stamps on vellum, parchment or paper, are, by any former law relating to flamped vellum, parchment or paper, directed to be altered and renewed; and that all persons who shall have in their custody or posfession, any vellum, parchment or paper, marked with the stamp or mark which shall be so altered or renewed, or on which, being already stamped with a stamp denoting any former duty, a new stamp is hereby directed to be impressed, shall have the like remedy and allowance as by any former law relating to stamped vellum, parchment or paper, is in like cases directed.

XXIII. And be it further enacted by the authority aforesaid, That the several duties herein before granted, shall be paid receiver gene- from time to time into the hands of the receiver general, for the time being, of the duties on stamped vellum, parchment and paper; who shall keep a separate and distinct account

Commissioners to take care that all parts be lutticiently furnished with stamps.

Prices of ftamps to be fet yearly, and marked; and the usual allowance made for prompt payment.

Stamps may be altered and renewed.

Duties to be paid to the gal of the ftamps;

Anno tricesimo GEORGII II. C. 19.

of the feveral rates and duties, and pay the same (the necessary and paid by charges of raising, paying and accounting for the same, being him into the deducted) into the receipt of the exchequer, for the purposes exchequer. herein after expressed, at such time, and in such manner, as any former duties on stamped vellum, parchment or paper, are directed to be paid; and that in the office of the auditor of the faid receipt shall be provided and kept a book or books, in which all the monies arising from the faid several rates and duties, and paid into the faid receipt as aforefaid, shall be entered separate and apart from all other monies paid and payable to his Majesty, his heirs or fucceffors, upon any account whatfoever; and the Thefe duties faid money so paid into the said receipt of exchequer as afore- to be part of faid, subject to the payment herein before directed to be made a fund. thereon, shall be part of the fund established by this act, for

the feveral purposes in this act mentioned.

XXIV. And be it further enacted by the authority aforefaid, Commission-That the faid commissioners, and all other officers who shall be ers and other employed in the collection or management of the faid feveral officers to oduties herein before granted, shall in the execution of their offi- bey the orces, observe and perform such rules and orders, as they respect treasury. tively shall from time to time receive from the commissioners of the treasury, or the treasurer of the exchequer for the time being; and that no fee or reward shall be taken or demanded No fee to be by any such commissioners or officers from any of his Majesty's taken bythem. subjects, for any matter or thing to be done in pursuance of this act; and in case any officer employed in the execution of this act, Officers to anin relation to the said duties, shall refuse or neglect to do or per- swer all daform any matter or thing by this act required to be done or per- mages occaformed by him, whereby any of his Majesty's subjects shall or may soned by nefustain any damage whatsoever, such officer so offending shall glect of duty. be liable by any action to be founded on this statute, to answer to the party grieved all such damage, with treble costs of suit.

XXV. And be it further enacted by the authority aforesaid, Commission-That the said commissioners, and their officers, shall be subject ers and officers to fuch penalties and forfeitures for any breach of the trust in liable to pethem reposed, or for diverting or misapplying the money re-nalties, &c. ceived in pursuance of this act, as by any former law relating to for breach of stamped vellum, parchment or paper are inflicted; and that all application of powers, provisions, articles, clauses, distribution of penalties monies. and forfeitures, and all other matters and things prescribed or Powers, &c. appointed by any former act or acts of parliament relating to the of former acts duties on vellum, parchment and paper, on which any inden-relating to ture, lease, bond, or other deed, shall be ingrossed, written or standed to this printed, or to the rates and duties on news papers and adver- act. tisements, and almanacks, and not hereby altered, thall be in full force and effect, with relation to the additional duties hereby imposed, and shall be applied and put in execution for the raising, levying, collecting and securing the said additional and new rates and duties hereby imposed, according to the true intent and meaning of this act, as fully, to all intents and purpoles, as if the same had severally and respectively been hereby E4

enacted, with relation to the faid additional and new rates and

duties hereby imposed.

XXVI. And for preventing a diminution of the revenue arifing. from the duties payable on almanacks, by subjecting the venders of unflamped almanacks to the same penalties as by an act made in the fixteenth year of his present. Majesty's reign, are inflitted on the venders of unflamped news papers; be it enacted by the authority aforefaid, That every person who, from and after the said fifth day of July one thousand seven hundred and fifty seven, shall sell, unitamped al- utter or expose to sale any almanack, liable to any duty by this or any former act imposed, such almanack not being stamped or marked as by this or any former act is directed, every person so offending shall, for every such offence, be liable to the same punishment as is inflicted on any hawker of unstamped news papers by the faid act made in the fixteenth year of the reign of his present Majesty; and every justice of the peace shall have the like power to convict such offender, as by the said act is granted, with relation to the conviction of offenders against the faid act; and every person who shall apprehend such offender, shall be intitled to the like reward, as by the faid act is granted for the apprehension of offenders against the said act.

Penalty of or forging the feals or stamps, &c. death.

16 G. 2. C. 26.

manacks, their punishment.

Hawkers of

XXVII. And be it further enacted by the authority aforefaid, That if any person, from and after the said fifth day of July one counterfeiting thousand seven hundred and fifty seven, shall counterfeit or forge, or procure to be counterfeited or forged, any feal, stamp or mark, to resemble any seal, stamp or mark, directed or allowed to be used by this or any other act of parliament for the purpose of denoting the duties by this or any other act of parliament granted, or shall counterfeit or resemble the impression of the same, with an intent to defraud his Majesty, his heirs and successors, of any of the said duties; or shall utter, vend or fell, any vellum, parchment or paper liable to any stampduty, with such counterfeit stamp or mark, knowing the same to be counterfeit; or shall privately and fraudulently use any feal, stamp or mark, directed or allowed to be used by this or any other act of parliament relating to the stamp-duties, with intent to defraud his Majesty, his heirs and successors, of any of the said duties; every person so offending, and being thereof lawfully convicted, shall be adjudged a felon, and shall suffer death as in cases of felony, without benefit of clergy.

XXVIII. And whereas the duties upon coals exported to foreign parts in British vessels, are less than the duties payable on coals carried coastwife, to be used in this kingdom, whereby foreigners may be supplied therewith at a less expence than the subjects of this realm, to the great prejudice of the trade and manufactures of this kingdom; and an additional duty on coals so exported, will be a proper aid to be granted to his Majesty, for the purposes of this att; be it enacted by the authority aforesaid, That from and after the said fifth day foreign parts, of July one thousand seven hundred and fifty seven, there shall not belonging be raised, levied, collected and paid to his Majesty, his helrs and to the British successors, for every chaldron of coals, Newcastle measure, which

Additional duty on coals shipped for dominions.



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shall be shipt for exportation to any part beyond the seas, except to Ireland, the Isle of Man, or his Majesty's plantations, an additional duty of four shillings, and after the same rate for any greater or less quantity, over and above the present duties now payable for the same; which said additional duty hereby granted, shall be raised, levied, collected and paid, in the same manner, and under fuch penalties and forfeitures, and by fuch rules, ways and methods, as the former duties payable to his Majesty upon the exportation of coals, are raised, levied, collected and paid, as fully, and to all intents and purposes, as if the several clauses, powers, directions, penalties and forfeitures relating thereto, were particularly repeated, and again enacted in the body of this present act.

XXIX. And be it further enacted by the authority aforesaid, Book to be That in the office of the auditor of the receipt of the exchequer, kept by the a book or books shall be provided and kept, in which all the entering the monies arifing from the faid additional duty, and paid into the faid duties faid receipt, shall be entered separate and apart from all other separately. monies paid or payable to his Majesty, his heirs and successors, upon any account whatfoever; and the faid money fo arising The faid dufrom the faid additional duty, and paid into the faid receipt of ties to be part exchequer, shall be part of the fund established for the several of a fund.

purposes herein after mentioned.

XXX. And whereas by an all made in the fixteenth year of the Recital of reign of his present Majesty, intituled, An act for repealing certain clauses in two duties on spirituous liquors, and on licences for retailing the acts of 16 Geo. fame; and for laying other duties on spirituous liquors, and a. c. 8. and on licences to retail the faid liquors; the sum of twenty shillings yearly is directed to be paid by every person retailing such liquors (except as is therein excepted) to be granted in the manner mentioned in the faid att: and whereas by an att made in the same selfion of parliament, intituled, An act for repealing the several rates and duties upon victuallers and retailers of beer and ale, within the cities of London and Westminster, and the weekly bills of mortality; and for transferring the exchequer bills unsatisfied thereupon, to the duties for licences to fell spirituous liquors and strong waters by retail; and also for enabling his Majesty to raise a sum of money, for the service of the year one thousand feven hundred and forty three, to be further charged on the faid duties for licences; it was amongst other things enacted, That from and after the twenty fourth day of June one thousand seven hundred and forty three, the several rates and duties imposed by an all made in the twelfth year of the reign of his late majesty King George the First, upon all victuallers and retailers of beer and ale. within the cities of London and Westminster, and the weekly bills of mortality, should cease and determine, and be no longer paid; and it was thereby also enacted, That from and after the said twenty fourth day of June the principal sum of four hundred and eighty one thousand four hundred pounds, in exchequer bills, part of the sum of five bundred thousand pounds, advanced by the governor and company of the bank of England, at an interest after the rate of three pounds

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and

per centum per annum, which exchequer bills had been made forth inpursuance of the said act made in the twelfth year of the reign of his Said late Majesty, and then remained unsatisfied and undischarged, together with the interest thereupon, and the charges of circulating the same, should be transferred from the said rates and duties then charged with the same, and be charged, together with the sum of five hundred eighteen thousand six hundred pounds directed to be raised by the afore recited all made in the sixteenth year of his present Majesty's reign, upon the duties granted by the faid other act of parliament made in the fixteenth year of his present Majesty's reign : and whereas by an act made in the nineteenth year of the reign of his present Majesty, intituled, An act for establishing an agreement with the governor and company of the bank of England, for cancelling certain exchequer bills upon the terms therein mentioned; and for obliging them to advance the fum of one million upon the credit of the land tax and malt duties, granted to his Majesty for the service of the year one thousand seven hundred and forty fix; reciting, that in pursuance of the said recited all made in the fixteenth year of his present Majesty's reign, the said sum of four hundred eighty one thousand four hundred pounds, in exchequer bills, as also the said further sum of five hundred eighteen thousand six hundred pounds, amounting together to the principal sum of one million were charged upon the said duties arising from licences as aforesaid, at an interest after the rate of three pounds per centum per annum; and that the faid exchequer bills, by paying off part of the said principal sums, did then amount to no more than the principal sum of nine hundred eighty six thousand eight hundred pounds; and also reciting, that the said governor and company of the bank of England were willing and contented that the faid Jum of nine bundred eighty fix thousand eight hundred pounds, in exchequer bills, remaining unsatisfied on the said duties payable for licences to sell spirituous liquors by retail, might be cancelled and discharged, and in lieu thereof to accept of an annuity of thirty nine thousand four hundred and seventy two pounds, being the interest on the said sum, at the rate of four pounds per centum per annum, to be charged on the same fecurities: and further reciting, that the said governor and company were also willing, upon the terms by them proposed, to advance and pay into the receipt of his Majesty's exchequer, for the service of the year one thousand seven hundred and forty six, the sum of one million, upon the credit of the rates and duties and affessments arising by the malt and land tax, granted for the service of the said year, at four pounds per centum per annum, for exchequer bills to be iffued for that purpose, it was thereby enacted, That all the said exchequer bills charged upon the faid duties, should be discharged, cancelled and made woid, and the interest thereof, together with the charges of circulating the same, should be fully cleared and pair off; and that in lieu of the faid principal sum of nine hundred eighty six thousand eight hundred pounds, in exchequer bills, the faid governor and company should be intitled to have and receive at his Majesty's exchequer, one annuity or

yearly sum of thirty nine thousand four hundred and seventy two pounds, being after the rate of four pounds per centum per annum,

19Geo. 2. C.6.

Anno tricesimo Georgii II. c. 19. 1757.

and upon the faid principal sum to be paid in the manner mentioned in the faid att, till the redemption thereof by parliament, with fuch provifions for making good the deficiencies of the faid rates and duties as are in the said act contained: and whereas by another act made in the twentieth year of the reign of his present Majesty, intituled, An act for granting a duty to his Majesty to be paid by distillers, upon licences taken out by them for retailing spirituous liquors; the several distillers within the cities of London and Westmirster, borough of Southwark, or weekly bills of mortality, are permitted to take out yearly licences for retailing spirituous liquors, upon payment of five pounds for every fuch licence : and whereas by an all made and 24 Geo. 2. in the twenty fourth year of the reign of his present Majesty, inti- c. 40. tuled, An act for granting to his present Majesty an additional duty upon fpirituous liquors, and upon licences for retailing of the fame; and for repealing the act made in the twentieth year of his present Majesty's reign, intituled, An act for granting a duty to his Majesty to be paid by distillers, upon licences to be taken out by them for retailing spirituous liquors; and for the more effectual reftraining the retailing of distilled spirituous liquors; and for allowing a drawback upon the exportation of British made spirits; and that the parish of Saint Mary le Bon in the county of Middlesex shall be under the inspection of the head office of excise; it is enacted, That from and after the twenty fourth day of June one thousand seven bundred and fifty one, the faid duty of five pounds payable by every distiller for a licence to sell spirituous liquors by retail, shall cease, determine, and be no longer paid; and that in lieu of the faid duty, an additional duty of twenty fillings per annum, should be paid for every ticence to be taken out for retailing spirituons liquors: and whereas the faid last mentioned duty, not being by the last mentioned att appropriated, is subjett to the difposition of parliament: and whereas the said several duties of twenty shillings, and twenty shillings, for yearly licences, to retail spirituous, have not been paid into the receipt of his Majesty's exchequer, distinctly and apart from each other, but an account thereof bath been kept as if the same were consolidated, and the surplus of the said duties so united, after reserving sufficient to pay the annuity due to the bank of England on the credit of the first of the Said duties, which is now, in consequence of an act made in the twenty third year of the reign of his present Majesty for reducing the rates of interest of the several annuities therein mentioned, reduced to the yearly fum of thirty four thousand five hundred and thirty eighty pounds, and will in confequence of the said all be from and after the fifth day of January one thousand seven hundred and fifty eight, reduced to twenty nine thousand six hundred and four pounds, bath from time to time, been disposed of by parliament for the publick service: and whereas the revenue arising from the faid several duties so united, will be more than Sufficient to pay the Said annuity, and the Security of the governor and company of the bank of England, for the payment thereof will be enlarged by charging the said annuity, as well on the said duty granted by the act made in the twenty fourth year of his present Majesty's reign, as on the said former duty granted by an act made

20Geo.s. c.39.

1757.

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Surplus of the former duties tuous liquors, to be kept apart,

and to go towards paying the annuities granted by this act.

The additional duties, and Turplus aforefaid, appropriated to the payment of the annuities granted by this act.

made in the fixteenth year of his present Majesty's reign, and it will be for the publick service to grant the surplus of the said duties so united, for the purposes of this act, in addition to the several rates and duties hereby imposed; be it further enacted by the authority aforesaid, That from and after the tenth day of October one on licences for thousand seven hundred and fifty fix, the surplus or remainder retailing spiri- of the monies arisen, or which shall from time to time arise, by the said several rates and duties on licences for retailing spirituous liquors, after paying and reserving, from time to time, at the receipt of his Majesty's exchequer, money sufficient to fatisfy and pay the faid annuity due and payable to the governor and company of the bank of England as aforesaid, shall at the said receipt of exchequer, be kept distinctly and apart from all other branches of the publick revenue; and the same shall be and is hereby declared to be, an additional fund and security for payment of the several annuities granted by this act, in the manner herein after mentioned, and for no other use or purpose whatfoever.

XXXI. And be it further enacted by the authority aforefaid, That the several annuities which by this act shall be granted and made payable, with respect of the principal sum of three millions, to be raised in manner and form as is hereafter directed, shall be charged and chargeable upon and payable out of the feveral additional and new rates and duties by this act imposed on stampt vellum, parchment and paper, whereon the said indentures, leases, bonds, or other deeds, shall be ingrossed, written or printed; and also upon and out of the said additional and new duties on news papers, advertisements, almanacks; and also upon and out of the said duty on licences for retailing wine; and also upon and out of the surplus of the duties upon licences for retailing spirituous liquors; and also upon and out of the said additional duty on coals exported to foreign parts; and the faid several additional and new rates and duties, and the said surplus, are hereby appropriated for that purpose accordingly.

XXXII. And whereas several persons have subscribed towards the said sum of three millions for the purchase of annuities, after the rate of three pounds per centum per annum, transferrable at the bank of England, and redeemable by parliament; and also of annuities for lives, payable for every one bundred pounds contributed, after the rate of one pound two shillings and fix pence per centum per annum; and the faid subscribers or contributors have, in pursuance of the resolutions of the commons of Great Britain in parliament assembled, deposited with and paid to, the first or chief cashier or cashiers of the governor and company of the bank of England, fifteen pounds for every one hundred pounds by them respectively subscribed, and are desirous to pay the remaining principal sums by them subscribed as aforesaid, at the times and in the manner herein after appointed in Contributors that behalf; be it therefore enacted by the authority aforefaid, who have paid That it shall and may be lawful to and for all such respective coninto the bank tributors who have already deposited with or paid to, the faid

15i. per cent.

Anno tricesimo Georgii II. C. 19. 1757]

cashier or cashiers of the said governor and company of the bank of towards pur-England, the sum of fifteen pounds for every one hundred pounds chasing annuiby them subscribed respectively, to advance and pay unto the ties under said cashier or cashiers of the governor and company of the are to pay the bank of England, the remaining sums by them subscribed re- remainder of spectively towards the said sum of three millions, on or before their subscripthe respective days or times, and in the proportions in this act tions, wiz. hereafter limited in that behalf; that is to fay, the fum of ten by 4 June, pounds per centum, being part of the fum fo remaining, on or 151. per cent. before the fourth day of June one thousand seven hundred and by 7 July, fifty seven; the sum of fifteen pounds per centum, other part 151. per cent. thereof, on or before the seventh day of July then next follow- by 18 August, thereof, on or before the seventh day of July then next follow- 151. per cent. ing; the fum of fifteen pounds per centum, other part thereof, by 21 Sept. on or before the eighteenth day of August then next following; 151. per cent. the fum of fifteen pounds per centum, other part thereof, on or by 10 Nov. before the twenty first day of September then next following; and 151. per the sum of fifteen pounds per centum, other part thereof, on or December. before the tenth day of November then next following; and the remaining sum of fifteen pounds per centum, on or before the twenty second day of December then next following.

XXXIII. And be it further enacted by the authority aforesaid, Contributor That every such contributor, for and in respect of every one intitled to 31. hundred pounds by him subscribed, shall be intituled to an an- per cent. nuity after the rate of three pounds per centum per annum trans- annuities, ferrable at the bank of England, and redeemable by parliament; and an annuiand shall also be intitled for every one hundred pounds so sub-ty for life of scribed, to an annuity for life, after the rate of one pound two 11. 28. 6d.

shillings and fix pence per centum per annum.

XXXIV. And be it further enacted by the authority aforefaid, That the annuities which shall become due and payable to the feveral contributors, their executors, administrators and assigns, after the rate of three pounds per centum per annum, 31. per cent. shall commence and be computed from the said fifth day of July annuities to one thousand seven hundred and fifty seven, and shall be paid commence by half-yearly payments, by even and equal portions on the from 5 July by half-yearly payments, by even and equal portions, on the 1757. fifth day of January and the fifth day of July in every year; and and to be paid that the annuities for lives which shall be due and payable, after half-yearly. the rate of one pound two shillings and six pence per centum per Life annuities annum, shall be paid in like manner, by half-yearly payments, half-yearly by even and equal portions, on the fifth day of January and the alio. fifth day of July in every year; the first half-yearly payment to be made on the fifth day of January one thousand seven hundred and fifty eight, if such contributors respectively shall, on or before that time, have appointed their nominees; or upon fuch of the said half-yearly days of payment, as shall be next after the respective appointments of their nominees.

XXXV. And be it further enacted by the authority afore- Receipts to be faid, That the faid cathier or cashiers of the governor and com- given to conpany of the bank of England who shall have received, or shall tributors for receive any part of the faid contributions towards the faid fum of money paid three millions, shall give receipts in writing to every such con- which may be

tributor affigned.

tributor for all such sums; and that the receipts to be so given shall be assignable by indorsement thereupon made, at any time before the fifth day of January one thouland seven hundred and fifty eight, and no longer.

fecurity;

XXXVI. Provided always, That such cashier or cashiers Cashier of the shall give security to the good liking of any three or more of the commissioners of the treasury for the time being, or the high treasurer for the time being, for duly answering and paying into the receipt of his Majesty's exchequer for the publick use, all the monies which they have already received, and shall hereafter receive, from time to time, of and for the faid fum of three millions, and for accounting duly for the same, and for performance of the trust hereby in them reposed; and shall from time to time pay all fuch monies so received, and account for the same in the exchequer, according to the due course thereof.

and pay the montes into theexchequer.

XXXVII. And be it further enacted by the authority aforeapply the mo. faid, That it shall and may be lawful for three or more of the ney to the fer- commissioners of the treasury, or the high treasurer for the time vices voted by being, to iffue and apply, from time to time, all fuch fums of money as shall be so paid into the receipt of his Majesty's exchequer by the faid cashier or cashiers, to such services as shall then have been voted by the commons of Great Britain in this prefent leffion of parliament.

Treasury to the commons.

Contributors names to be entered in books at the bank.

Duplicate thereof to be transmitted to the exchequer.

Contributors duly paying their fubscriptions,

to have fure effates in the annuities,

XXXVIII. And be it further enacted by the authority aforefaid, That in the office of the accomptant general of the governor and company of the bank of England for the time being, a book or books shall be provided and kept, in which the names of the faid contributors shall be fairly entered, which book or books the faid respective contributors, their respective executors, administrators and affigns, shall and may, from time to time, and at all feasonable times, resort to and inspect, without any fee or charge; and that the faid accomptant general shall, on or before the fifth day of July one thousand seven hundred and fifty eight. transmit an attested duplicate fairly written on paper; of the said book or books, into the office of the auditor of the receipt of his Majesty's exchequer, there to remain for ever.

XXXIX. And be it further enacted by the authority aforefaid, That fuch contributors duly paying the whole sum subscribed, at or before the respective times in this act limited in that behalf, and their respective executors, administrators and assigns, shall have, receive and enjoy, and be intitled by virtue of this act, to have, receive and enjoy, the faid feveral annuities by this act granted in respect of the sum so subscribed, out of the monies by this act appropriated for payment thereof, and shall have good and sure interests and estates therein, according to the feveral provisions in this act contained, as well in respect of the faid transferrable annuities, after the rate of three pounds per centum per annum, as of the faid annuities for lives, after the rate of one pound two shillings and fix pence per centum per anand the same num, and that the said several annuities shall be free from all to be tax-fice taxes, charges and impositions whatsoever.

XI. And be it further enacted by the authority aforesaid,

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That as foon as fuch respective contributors, their respective On completexecutors, administrators and assigns, shall have completed the ing their paypayment of the monies by them respectively subscribed towards ments, conthe said sum of three millions, for the purchase of the said se- tributors to veral annuities, fuch fums, for and in respect of such transfer- have their anrable annuities, after the rate of three pounds per centum per an- to their credit, wum, in which they shall become interested, shall, from and after the fifth day of July one thousand seven hundred and fifty and the same feven, be placed to their credit, and made transferrable in the to be transbooks of the bank of England to be kept for that purpole.

XLI. Provided always, That in case any such contributors Contributors who have already deposited with, or shall hereafter pay to the not duly payfaid cashiers, any sum or sums of money at the times and in ing the wholethe manner before mentioned, in part of the sums so by them of their subrespectively subscribed, or their respective executors, admini- scriptions, forfrators and affigns, shall not advance or pay to the faid cashier shall have or cashiers the residue of the sums so subscribed, at the times and paid. in the manner before mentioned; then and in every fuch case, fo much of the respective sums so subscribed as shall have been actually paid in part thereof to the faid cashier or cashiers, shall be forfeited for the benefit of the publick; any thing in this act contained to the contrary thereof in any wife notwithstanding.

XLII. And be it further enacted by the authority aforesaid, The duties That the several annuities which by this act are granted and and sums made payable in respect of the said sum of three millions, shall granted by be charged and chargeable upon, and payable out of the feveral a fund for rates, duties, and sums of money, composing the fund hereby payment of established for the payment thereof, and the faid several rates, du- the annuities. ties and sums of money are hereby appropriated for that purpose accordingly.

XLIII. And be it further enacted by the authority aforesaid, Contributors That the said accomptant general for the bank of England for to have credit the time being, shall, in a book or books to be provided and in proper books, for the kept for that purpose, give credit to the said respective contribu- sums paid in tors, and their respective executors, administrators and affigns, by them; for the principal sums by them respectively subscribed and paid, and the persons to whose credit such principal sums shall be so placed, their respective executors, administrators and assigns, shall and may have power to assign and transfer the same, or the same to be any part, share, or proportion thereof, to any other person or transferred in persons, or body or bodies politick or corporate whatsoever, in other books. other books to be provided and kept by the faid accomptant general for that purpose; and every principal sum so affigned and transferred, shall carry an annuity after the rate of three pounds per centum per annum, and shall be taken and deemed to be flock Annuities transferrable according to the true intent and meaning of this ferrable flock. act, until redemption thereof by parliament, according to a proviso herein after contained for that purpose.

XLIV. And, for the more easy and sure payment of the faid A chiefcashier transferrable annuities after the rate of three pounds per centum and accompper annum; be it further enacted by the authority aforesaid, tant general, That the said governor and company of the bank of England, to be em-

and bank.

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and their successors, shall, from time to time, until the said annuities, after the rate of three pounds per centum per annum, shall be redeemed as aforesaid, appoint and employ one or more sufficient person or persons within their office in the city of London, to be their chief or first cashier or cashiers, and one other sufficient person within the same office, to be their accomptant general; and that so much of the monies from time to time arising into the faid receipt of the exchequer, from the faid rates and duties, and fums of money by this act granted and appropriated, as shall be sufficient, from time to time, for payment of the faid annuities, after the rate of three pounds per centum per annum, shall, by order of the commissioners of the treasury. or any three or more of them, or the treasurer of the exchequer for the time being, without any further or other warrant to be fued for, had and obtained, in that behalf, from time to time, at tor payment of the respective half-yearly days of payment in this act appointed for payment thereof, be issued and paid at the said receipt of exchequer, to the said first or chief cashier or cashiers of the said governor and company of the bank of England, and their fucceffors for the time being, by way of imprest, and upon account for payment of the faid annuities, after the rate of three pounds per centum per annum, at such times, and in such manner and form, as are by the said act prescribed in that behalf; and that fuch cashier or cashiers, to whom the said money shall from time to time, be issued, shall from time to time, without delay, apply and pay the same accordingly, and render his or their account thereof, according to the due course of the exchequer.

Accomptant general to inspect the receipts and payments.

Treafury to

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time, to the

faid cashier,

the annuities.

Annuities to be deemed a

Sums contributed to be deemed a joint Hock;

XLV. And be it further enacted by the authority aforesaid. That the faid accomptant general for the time being shall from time to time inspect and examine all receipts and payments of the faid cashier or cashiers, and the vouchers relating thereto, in order to prevent any fraud, negligence or delay; and that all persons who shall be intitled to any of the said annuities after the rate of three pounds per centum per annum, and all perfons lawfully claiming under them, shall be possessed thereof as personalestate. of a personal estate, which shall not be descendible to heirs, nor liable to any foreign attachment by the custom of London or otherwise; any law, statute or custom, to the contrary notwithstanding.

XLVI. And be it further enacted by the authority aforesaid, That all the monies to be advanced or contributed by virtue of this act, towards the faid sum of three millions, on which the said annuities, after the rate of three pounds per centum per annum, shall be attending, shall be deemed one capital and joint stock; and that all persons and corporations whatsoever, in proportion to the monies by them severally advanced, for the purchase of the said annuities, after the rate of three pounds per centum per annum, or to which they shall become intitled by virtue of this act, shall have and be deemed to have a proportional interest and share in the said stock, and in the said annuities attending the same, at the rate aforesaid; and that the said whole

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capital or joint flock, or any share or interest therein, shall be and may be affignable and transferrable as this act directs, and not otherwise. affigned or transferred. XLVII. Provided also, and it is hereby enacted by the au-Annuities de-thority aforesaid, That at any time upon one year's notice to be clared to be printed in the London Gazette, and affixed upon the Royal Ex- redeemable by change in London, and upon repayment by parliament of the said parliament. fum of three millions, or any part thereof, by payments not less than five hundred thousand pounds at one time, in such manner as shall be directed by any future act or acts of parliament in that behalf, and also upon full payment of all arrearages of the faid annuities after the rate of three pounds per centum per annum, then, and not till then, such or so much of the faid annuities as shall be attending on the principal sums so paid off, shall cease and determine, and be understood to be redeemed; and that any vote or resolution of the house of commons, fignified by the speaker in writing, to be inserted in the

London Gazette, and affixed on the Royal Exchange in London as aforesaid, shall be deemed and adjudged to be sufficient notice

within the words and meaning of this act. XLVIII. And be it further enacted by the authority aforesaid, Books to be That books shall be constantly kept by the said accomptant kept for entergeneral for the time being, wherein all affignments or transfers ing affignof the said annuities, after the rate of three pounds per centum ments or per annum, shall at all seasonable times be entered and register- transfers of annuities. ed; which entry shall be conceived in proper words for that purpose, and shall be signed by the parties making such assignments or transfers; or if such parties be absent, by their re- Method of acspective attornies, thereunto lawfully authorized in writing un- figning and der their hands and seals, to be attested by two or more credi- transferring ble witnesses; and that the several persons to whom such trans- the same. fers shall be made, shall respectively under-write their acceptance thereof; and that no other method of affigning and transferring the said annuities, or any part thereof, or any interest

therein, shall be good or available in law. XLIX. Provided always, That all persons possessed of any Annuities share in the said joint stock of annuities, or estate and interest may be detherein, may devise the same by will in writing, attested by two vised by will. or more credible witnesses; but that no payment shall be made Entry to be on any fuch devise, till so much of the faid will as relates to any made thereof. share, estate, or interest in the said joint stock of annuities, be entered in the faid office; and that in default of fuch transfer or devise, such share, estate, or interest in the said joint stock of annuities, shall go to the executors or administrators; and that no stamp duties whatsoever, shall be charged on any of the Stamp duties faid transfers; any law or statute to the contrary notwith- able on transstanding.

I. Provided always, and be it enacted by the authority afore- Treasury to faid, That out of the monies arising from the contributions to- defray all inwards raising the said sum of three millions, any three or more cidental of the commissioners of the treasury, or the high treasurer for charges; the time being, shall have power to discharge all such incident Vol. XXII. charges

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and to fettle the cashiers and accomp. tant general,

to be at the company of the bank.

Bank to conration till the

charges as shall necessarily attend the execution of this act, in fuch manner as to them shall seem just and reasonable; and also the allowances to fettle and appoint fuch allowances as shall be thought proper to be made to for the service, pains and labour, of the said cashier or cashiers, for receiving, paying and accounting for the faid contributions; and also shall have power to make out of the fund hereby established, or out of the finking fund, such further allowances as shall be judged reasonable for the service, pains and labour of the faid cashier or cashiers, for receiving, paying and accounting for the faid annuities, after the rate of three pounds per centum per annum, payable by virtue of this act; and also for disposal of the the service, pains and labour of the said accomptant general, governor and for performing the trust reposed in him by this act; all which allowances to be made as aforesaid, in respect to the service, pains and labour of any officer or officers of the faid governor and company, shall be for the use and benefit of the said governor and company, and at their disposal only.

LI. Provided always, and be it enacted by the authority aforefaid, That the faid governor and company of the bank of Engtinue a corpo- land, and their successors, notwithstanding the redemption of annuities are all or any their own funds, in pursuance of the acts for estaare redeemed. blishing the same, or any of them, shall continue a corporation till all the said annuities, after the rate of three pounds per centum per annum, by this act granted, shall be redeemed by parliament, according to the proviso herein before contained in that behalf; and that the said governor and company of the bank of England, or any member thereof, shall not incur any disability for or by reason of their doing any matter or thing in purluance of this act.

I.II. And whereas in pursuance of a refolution of the commons of Great Britain in parliament affembled, divers persons did subscribe the sum of three hundred thirteen thousand one hundred pounds, and no more, towards the sum of two millions five bundred thousand pounds, by the said resolution directed to be raised in manner therein mentioned, by annuities for lives, with the benefit of survivorship, or for terms of years certain: and whereas by a subsequent resolution of the commons of Great Britain in parliament offembled, all Subferibers towards the said sum of two millions five bundred thousand pounds, pursuant to the said former resolution, who, instead of the dunuities therein mentioned, should choose to accept the annuities praposed by the said subsequent resolution, and who, on or before the fourth day of May one thousand seven hundred and fifty seven, should, in books to be opened at the bank of England for that purpose, express their consent, or not express their dissent thereunto, were, upon their compliance with the terms in the subsequent resolution lastmentioned, for every one hundred pounds so by them subscribed, intitled to the several annuities by the said subsequent resolution proposed; in which case the sums so by them before advanced, were to be deemed part of their contribution, for the purchase of the annuities, by the subsequent resolution proposed: and whereas several of the persons so subscribing the sum of three hundred thirteen thousand one bundred pounds,

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pounds, towards the fum of two millions five hundred thousand pounds, directed to be raised on the terms of the said first mentioned resolution, induced by the allowance of three pounds per centum, Subscribere to Stipulated by the faid resolution to be made to them for all previous the sum of payments, may have advanced more than the sum of fifteen pounds pursuant to per centum, by the faid last mentioned resolution directed to be paid a former reby way of deposit for every one hundred pounds subscribed; be it solution of the enacted by the authority aforesaid, That the first or chief cash- commons acier or cashiers of the governor and company of the bank of cepting of the England, shall restore to every such subscriber who, before the to be repaid fourth day of June one thousand seven hundred and fifty seven, with interest fhall have demanded restitution thereof, so much money as shall so much of exceed the amount of such deposit, together with interest for their deposit the same, after the rate of three pounds per centum per annum, ceeds 151. per from the time of such previous payments to the time of such cent. of the demand; the faid interest to be paid by the said cashier or sums subcashiers out of the monies contributed by virtue of this act.

LIII. And whereas several of the persons who subscribed sowards the faid fum of two millions five bundred thousand pounds, on the terms of the faid first-mentioned resolution, may have been prevented, either by absence or ignorance of the said last-mentioned resolution, from complying with the terms thereof; be it enacted by the Time allowed authority aforesaid, That all such persons shall be at liberty, if to subscribers they think fit, at any time before the fourth day of June one to the former thomsand seven hundred and fifty seven either to demand rest; scheme to thousand seven hundred and fifty seven, either to demand resti- withdraw or tution of the deposit of ten pounds per centum, made by them subscribe into on the terms of the faid first-mentioned resolution, which the this. faid cathier or cashiers is and are hereby required to return accordingly, or to subscribe the like sums on the terms of the refolution last-mentioned; and that in the stead of any person or Others may persons so demanding and obtaining restitution of the sums by subscribe in the state of the sums by their room. him, her or them subscribed, towards the said sum of two millions five hundred thousand pounds, directed to be raised in purfuance of the faid first-mentioned resolution, any other person or persons shall, on or before the fourth day of June one thoufand seven hundred and fifty seven, be admitted to subscribe towards completing the fum directed to be raifed in pursuance of the resolution last-mentioned, he, she or they, paving at the time of fuch subscription the several sums then payable according to the terms of the faid resolution.

LIV. And whereas for the greater encouragement of persons to become contributors to the Said Sum of three millions, directed by this att to be raised, it is intended that each contributor shall for every one hundred pounds contributed be also intitled to an annuity for life, after the rate of one pound two shillings and fix pence per centum per Contributors annum; be it further enacted by the authority aforesaid, That to have an every person who shall advance and pay unto the said cashier or annuity for cashiers of the governor and company of the bank of Fraise life of 11. 28. cathiers of the governor and company of the bank of England, 6d. for every at or before the respective days and times, and in the respective sool paid in, proportions herein before directed, the principal fum of one hundred pounds, or divers entire fums of one hundred pounds,

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over and above the annuity of 31. per cent. per annum, to be paid halfyearly.

Cashier to give to contributors, on payment of 4ol. per cent. certificates,

affigned:

Counterpart of the cheques of certificates to of the exchequer.

Cashier to transmit to the auditor, a book of the contributors names, and fums paid.

for the purchase of the annuities granted by this act, shall, for or in respect of every principal sum of one hundred pounds so to be advanced and paid, be intitled to have and receive at the receipt of his Majesty's exchequer during his or her life, or the life of some other person, to be nominated by him or her, or by his or her affigns, an annuity of one pound two shillings and fix pence per centum per annum, over and above the annuity of three pounds per centum per annum, before by this act made payable at the bank of England to each contributor of one hundred pounds; which annuity so payable at the exchequer as aforefaid, shall be paid by half-yearly payments, on the fifth day of January and the fifth day of July in every year; the first payment thereof to be made on the fifth day of January one thoufand feven hundred and fifty eight, if fuch contributors respectively shall on or before that time have appointed their nominees in manner herein after-mentioned, or upon such of the faid half-yearly days of payment as shall be next after the respective appointments of their nominees; and that the faid cashier or cashiers of the governor and company of the bank of England, shall, as soon as he or they shall have received from any such contributor forty pounds per centum, of the several sums by them respectively subscribed, forthwith give to such contributor or his or her assigns, a certificate by him or them figned, directed to the auditor of the receipt of his Majesty's exchequer, to be printed or written upon cheque paper, and cut out indentwife, through some flourish or device, to be contrived by the faid cashiers, containing the names and additions of such contributors, or his or her assigns, together with the annuity payable to him, her or them, in respect of the which may be sum so contributed; which certificate shall be assignable by indorsement thereon to be made and witnessed by two persons at any time or times before the fifth day of January one thousand feven hundred and fifty eight; and that in order to prevent the auditor of the faid receipt from being imposed upon by any counbe transmitted terfeit or forged certificate, the said cashiers shall transmit to the to the auditor faid auditor the counterpart of the cheques of all the certificates given by them to fuch contributors as aforefaid; upon which counterparts shall be expressed the number of such certificate, the contributors name, and the annuity contained therein.

LV. And be it further enacted by the authority aforesaid, That the same cashier or cashiers shall, within seven days after the faid twenty second day of December one thousand seven hundred and fifty seven, transmit to the auditor of the said receipt of the exchequer a book fairly written on paper, figned by him or them, containing the names of the feveral contributors towards raising the said sum of three millions, the principal sums by them respectively paid, and the annuities payable in respect thereof, at the rate aforesaid, to the end that the said auditor may be thereby fatisfied that the full and entire fum payable by each contributor, hath been paid to fuch cashier or cashiers; which books shall remain in the office of the auditor of the said receipt for ever.

LVI, And



Anno tricelimo Georgii II. C. 19. 1757.]

LVI. And be it further enacted by the authority aforesaid, Contributors That every fuch contributor, or fuch other person as shall be to bring their possessed of any such certificate by this act directed to be given certificates to by any such cashier, shall, before the fifth day of January one be exchanged thousand seven hundred and fifty eight, deliver, or cause to be for orders, delivered, every certificate so to him or her given, to be exchanged for orders to be made out in the manner herein after mentioned; and shall also at the same time name to the said and to name auditor, his or her own, or some other life, during which he nominees for or she, or his or her assigns, shall be intitled to receive a divi- the life andend or share of the yearly fund by this act directed to be set apart, out of the faid several rates, duties and sums of money, by this act granted to his Majesty, upon pain of forfeiting not only the half-year's annuity which shall become due and payable to him or her, or his or her affigns, on the fifth day of January one thousand seven hundred and fifty eight, in respect of every principal sum of one hundred pounds, to be advanced as aforefaid, but also all subsequent half-yearly payments, until he or the, or his or her affigns, shall have produced to the auditor of the receipt fuch certificate or certificates, and shall have appoint-

ed a nominee or nominees as aforefaid. LVII. And be it further enacted by the authority aforelaid, Such a num-That the auditor of the faid receipt of exchequer shall, as soon ber of orders as conveniently may be after such certificate or certificates shall for certificates be delivered to him, cause such and so many order or orders to be made for payment of such annuities, to be made out in the exche for payment of such annuities, to be made out in the exche-contributors quer for such certificate or certificates, as shall be desired by shall defire; the faid several and respective contributors, or their assigns; taking care that the annuity or annuities made payable by fuch order or orders, do not exceed in the whole the annuity or annuities specified and expressed in such certificate or certificates, in exchange for which such order or orders shall be so made out as aforesaid; which order or orders shall be made out upon vellum or parchment, and shall contain the names, sirnames, additions and places of abode, of the respective contributors or their affigns, and of their nominees, and the reputed ages and parents of their nominees, with other descriptions, which shall best ascertain the person of such nominees; and also the same to be the annuities payable during the lives of such respective nomi- signed by 3 nees out of the yearly fund herein after directed to be fet apart commissioners for that purpose; and all such orders shall be signed by the com- of the treamissioners of the treasury, or any three or more of them, or the high treasurer for the time being; and after signing thereof, the same shall be firm, good, valid and effectual in law, according to the purpose and true meaning thereof, and of this act, and shall not be determinable by or upon the deaths or removals of any commissioner or commissioners of the treasury, or high treasurer; nor shall they, or any of them, have power to revoke, countermand, or make void, such orders so signed as aforelaid.

LVIII. And it is hereby enacted, That in the offices of the Books to be auditor of the said receipt of the exchequer, and clerk of the provided at F 3 pells the exchequer

Anno tricefimo GEORGII II. C. 19. 70

L1757.

for entering the names of contributors, afligns and nominees.

pells feverally, there shall be provided and kept one or more book or books, in which shall be fairly entered the names of all fuch contributors, or their affigns, and their nominees, during whose lives respectively the several dividends of the said yearly fund hereafter directed to be fet apart shall be payable, at the time when the same shall be nominated as aforesaid; which books it shall be lawful for the respective contributors, their executors, administrators or assigns, from time to time, to have relort to, and to inspect without see or reward.

The yearly fumof 33,750l appropriated for payment of life annuities.

LIX. And it is hereby further enacted by the authority aforesaid, That out of the monies arising by virtue of this act, there shall yearly and every year be separated and kept apart at the faid receipt of exchequer, the fum of thirty three thousand seven hundred and fifty pounds; which faid fum of thirty three thoufand feven hundred and fifty pounds shall be, and is hereby declared to be a yearly fund, for answering and paying the annuities as aforefaid, and shall yearly and every year be equally divided among the faid contributors, their executors, administrators or alligns, during the lives of their respective nominees, in proportion to the principal fums by them advanced, by two equal half yearly payments; that is to fay, on the fifth day of January and fifth day of July in every year; the first payment thereupon to be made on the fifth day of January one thousand seven hundred and fifty eight, if such contributors respectively shall, on or before that time, have appointed their nominees, or upon such of the laid half yearly days of payment, as shall be next after the respective appointments of their nominees.

yearly.

Payment to be

made half-

LX. And be it further enacted by the authority aforesaid, That upon the death of every such nominee, the share of the faid fund which was payable during his or her life, shall cease and determine.

Annuity to cease upon the death of the nominee.

affigned toties quoties durnominees.

LXI. And be it further enacted by the authority aforesaid, Orders may be That it shall and may be lawful to any such contributor, or his or her executors, administrators or assigns, at any time during the ing the life of life of his or her nominee or nominees, by proper words of affignthe respective ment to be indorsed on his or her, or their order, to be witnessed by two persons, to affign or transfer his, her or their right, title, interest, and benefit of such order or orders, to any other person or persons; which being notified in the office of the auditor of the faid receipt of the exchequer, the officers there shall cause an entry or memorial thereof to be made in the book of registry for such orders, without fee or charge; and after fuch entry made, fuch affignments thall intitle fuch affignee or affignees, his, her or their executors, administrators or assigns, to the benefit thereof, and payment thereon; and fuch affignee or affignees may, in like manner, affign again, and so toties quoties; and afterwards it shall not be in the power of such person or persons who shall make fuch affignment, to make void, release, or discharge the fame, or any monies thereby due, or any part thereof.

I.XII. And, for preventing all frauds in receiving any share of the yearly fund hereby appointed to be fet apart as aforefaid;

Anno tricesimo Georgii II. C. 19. 7757.

be it further enacted by the authority aforesaid, That every con-Atdemanding tributor, his or her executors, administrators, assigns or agents, the annuity, upon demand of any half yearly payment of his or her respective from the mishares of the said yearly fund (unless the nominee appears in nister and person at the said receipt) shall produce a certificate of the life churchwardens of his, her or their respective nominee, signed by the minister to be produced and churchwardens of the parish where such nominee shall be the nominee. then living, upon the day when the faid half yearly payments if resident in shall become due (if such nominee shall be then residing in that England part of Great Britain called England, dominion of Wales, or town of Berwick upon Tweed) or otherwise, it shall and may be lawful to and for every such contributor, or his or her executors, administrators or assigns, at his or her election, to make oath of the or the same to truth of his, her or their respective nominee's life upon the day be certified, on when the faid half yearly payment shall become due, before one oath, before a or more justices of the peace of the respective county, riding, justice; city, town or place, wherein such person, at the time of making fuch oath, shall reside; and in like manner every such contributor, his or their executors, administrators, assigns or agents, whose nominee shall reside in any town or place, being extrapa- and in places rochial, upon the day where any of the faid half yearly payments extraparochial shall become due, shall make a like oath before any such justice or justices aforesaid, of the life of such nominee on that day (which oath the faid justice or justices of the peace are hereby impowered to administer) and such justice or justices shall make z certificate thereof; for which oath and certificate no fee or re- The certifiward shall be demanded or paid; and the said certificate shall cates to be filbe filed in the office of the auditor of the faid receipt of the ex-ed in the audichequer.

LXIII. And be it further enacted by the authority aforesaid, Penalty of ma-That if any person shall be guilty of a falle oath, or shall forge king a falle any certificate touching the premisses, and be thereof lawfully outh, or forgconvicted, such person shall incur the pains and penalties inflict- ing a certified upon persons committing wilful perjury and forgery.

LXIV. And be it further enacted by the authority aforesaid, Nominee be-That in case any nominee thall, at the time of such demand, be ing resident in resident in that part of Great Britain called Scotland, or in the Scotland, or kingdom of Ireland, and any one or more of the barons of the Ireland, baexchequer there for the time being shall certify, that upon proof rons of the exto him or them made (which proof he and they is and are hereby to grant cerauthorized and required to take in a fummary way) it doth feem tincates; probable to him or them that the faid nomines is living (which certificate is to be given on examination made without fee or charge) the faid certificate being filed as aforefaid, shall be a sufficient warrant for making the faid half yearly payment to the respective contributors, their executors, administrators or alligns; and in case any such nominee shall, at the time of such demand, be if resident in refident in any parts beyond the feas, the proprietors of all fuch foreign parts, orders, or their agents, shall produce certificates of the life of his, the British miher or their respective nominees, under the hand of the British niter, it any, minister residing at the place where any such nominee thall be

or the chief magistrates, to grant certificates. Agent to annex his testimony to the certificate.

Person receiving annuity forfeits treble the fum, and 500L

Death of nomified to the au ditor of the exchequer,

and order to

on penalty of Jol.

Annuities to be tax-tree.

living upon the day when fuch half yearly payment shall become due; which certificates shall be given without fee or reward; and in case no British minister shall reside at the place where any fuch nominee shall live, then the said proprietors of such orders, or such agents, shall produce a certificate of the life of his, her or their respective nominees, under the hand and seal of the chief magistrate of any city, town or place, where any such nominee shall be then living upon the day when the said half yearly payment shall become due as aforesaid; and every such agent or agents shall also annex to every such certificate or affidavit to be made by him or them, before one or more of the barons of the exchequer, that he or they do believe that such certificate is true; which certificate being filed as aforefaid, shall be a sufficient warrant for making the faid half yearly payment to the respective contributors, their executors, administrators or assigns; and it any person or persons shall receive one or more half yearly paybeyond the life ments upon his, her or their annuity or annuities, for any time of the nominee, beyond the death of his, her or their nominee or nominees, when the same ought to cease, such person or persons knowing such nominee or nominees to be dead, shall forfeit treble the value of the monies to by him, her or them, received, and also the sum of five hundred pounds; the moiety whereof shall go to his Majesty, his heirs and successors, and the other moiety to him or them who will fue for the same, by action of debt, bill, suit or information, in which no effoin, protection, privilege, wager of law, injunction, or more than one imparlance shall be allowed.

LXV. And be it further enacted by the authority aforesaid, nee to be certi- That every contributor, his or her executors, administrators or assigns, within one month next after notice of the death of his, her or their respective nominee or nominees, shall certify such death to the auditor of the faid receipt of exchequer for the time being, and shall also within three months after such notice, delibe delivered up, ver or cause to be delivered up to the said auditor, his, her, or their order or orders, by which he, she or they, was and were intitled during the life of such nominee to any share of the said yearly fund, in case such order and orders be in his, her or their hands or power; and in default thereof, such contributor, his or her executors, administrators and assigns, shall forfeit the sum of ten pounds; to be recovered by action of debt, as aforesaid, and to be had and received for the use of any person who shall sue for the

> LXVI. And be it further enacted by the authority aforefaid, That all the annuities payable to fuch contributors out of the faid yearly fund, shall be free from all taxes, charges and impositions whatfoever.

> LXVII. And whereas it may so bappen that in process of time, Several of the standing orders may be lost, burnt or destroyed, or may become defeced, obliterated, or incumbered with many affignments thereon, and it may be necessary that new orders should be made forth in lieu thereof; be it therefore enacted by the authority aforefaid, That in all or any the faid cases, any three or more of



the commissioners of the treasury now being, or the high trea- Orders loft, furer, or any three or more of the commissioners of the treasury burnt or defor the time being, shall, and they are hereby impowered, from may be renewtime to time (upon certificate under the hand of the lord chief ed; baron, or any other of the barons of the coif of his Majesty's court of exchequer, that he or they are fatisfied, by proof upon oath before him or them made, that any fuch order or orders have been loft, burnt or otherwise destroyed) to cause new orders to be made forth at the exchequer, to be made by him or them, in lieu of such orders so certified to be lost, burnt or deftroyed; and the respective officers in the said exchequer are hereby directed to pay the interest which shall from time to time become due on such new orders, as if the original order or orders had been produced; and all fuch payments shall be allowed in their respective accounts; provided that the person or persons intitled to receive the interest due upon any such order or orders Proprietor do give fecurity to the King, to the good liking of the person ap- giving security pointed to pay the same into the exchequer for the use of the publick, so much money as shall be paid thereupon, if the order or orders so certified to be lost, burnt or otherwise destroyed, be hereafter produced; and the faid commissioners of the treasury, or the high treasurer for the time being, shall also have power to New orders cause new standing orders to be made forth, for and in lieu of may be issued fuch orders as shall become defaced, obliterated or otherwise in- in lieu of such cumbered as aforesaid; which said order or orders shall be, at as become dethe fame time delivered up and cancelled, and the new order or orders to be made out in lieu thereof, shall be made payable, and delivered to the person or persons who shall appear to be the proprietor or proprietors of the faid order or orders fo to be delivered up and cancelled, at the time of fuch delivery as aforefaid; and the auditor of the receipt as aforefaid, shall always take Entry thereof care that fuch entries or memorandums be made upon the faid to be made on new orders, as may denote their being made in lieu of fuch de- the new orfaced, obliterated, incumbered or otherwise desective orders cancelled, and as may fecure the publick against any double payments, for or by reason of the making out or issuing such new orders in manner aforelaid.

LXVIII. And for preventing all frauds and abuses in or about the said standing orders, or any assignments thereof, or the receiving the annuities due or to grow due thereon; be it enacted by the au- Penalty of forthority aforesaid, That if any person or persons whatsoever shall ging or counforge or counterfeit, or procure to be forged or counterfeited, or terfeiting cerknowingly or wilfully act and affift in the forging or counter- or of fraudu-feiting any certificate or certificates to be given by such cashier lently receivor cashiers, or any order or orders to be made forth in lieu there- ing annuities. of, in pursuance of this present act, or any assignment or assignments of fuch order or orders, or of the annuities payable thereon, or of any receipt or discharge to the exchequer, for the annuities due or to grow due on any fuch order or orders, or of any letter of attorney, or other authority or instrument, to trans-



fer, affign, alien or convey any fuch order or orders, or to receive the annuities due or to grow due thereon, or any part thereof; or shall forge or counterfeit, or procure to be forged or counterfeited, or knowingly or wilfully act or affift in the forging or counterfeiting any the name or names of any of the proprietors of any fuch order or orders, in or to any fuch pretended affignment or assignments, receipt, letter of attorney, certificate, instrument or authority; or shall falsely and deceitfully personate any true and real proprietor or proprietors of any of the faid orders, and thereby affign, or endeavour to affign, any of the faid orders, or receive or endeavour to receive the money of fuch true and lawful proprietor, as if such offender were the true and lawful owner thereof; then, and in every such case, all and every such perfon and persons being thereof lawfully convicted in due form of law, thall be adjudged guilty of felony, and thall fuffer death as

in cases of felony, without benefit of clergy.

No fee to be taken for receiving or paynuities,

ceipts, &c.

ficer taking ing the public money, or otherwise neglecting his duty.

LXIX. And be it further enacted, That no fee, reward or gratuity whatfoever shall be demanded or taken of any of his Majesty's subjects for receiving or paying the said contribution ing the contri- monies, or any of them, or for paying the faid feveral annuibutions or an- ties, or any of them, or for any transfer of any sum. great or small, to be made in pursuance of this act, upon pain that any offender or person offending by taking or demanding any such fee, reward or gratuity, shall forfeit the sum of twenty pounds to the party aggrieved, with full costs of suit; and that all reor issuing re- ceipts and issues, and all other things directed by this act to be performed in the exchequer, shall be done and performed by the officer there, without demanding or receiving, directly or indirectly, any fee, reward or gratuity for the same; and in case Penalty on of- the officers of the exchequer shall take or demand any such fee or reward, or thall misapply or divert any of the manies to be fees, misapply- paid into the exchequer upon this act, or shall pay or iffue out of the same, otherwise than according to the intent of this act, or shall not keep such books, registers, or make entries, and do and perform all other things which by this act they are directed and required to do and perform; every such offender shall forfeit his place, and be for ever after incapable of any office or place of trust whatsoever, and shall answer and pay treble costs of fuit, to any contributor, or person claiming under him, that will fue for the same, to be recovered by action of debt, bill, plaint or information, in any of his Majesty's courts of record at Westminster, wherein no essoin, protection, privilege or wager of law, injunction or order of restraint, or any more than one imparlance shall be granted or allowed; and in the faid action, the plaintiff upon recovery thall have full colls of fust, one third of which fum shall be paid into the faid receipt of exchequer for the benefit of his Majesty, his heirs are successors, and the other two thirds shall be to and for the the of the prosecutor.

LXX. Provided always, and be it enacted. That in case any officer of the exchequer shall make payment of any thare or thares of the faid yearly fund of thirty three thousand seven hun-

dred

Anno tricesimo Georgii II. C. 19. I757-1

dred and fifty pounds, by this act directed to be fet apart for the Officer unwitpurpoles aforefaid, upon any fuch certificate or certificates as tingly paying aforesaid, such officer shall not incur any penalty, forfeiture or money on false disability, though the said certificate be forged or false, or the not to incur faid nominee be dead, unless the said officer did know, at the any penalty time of fuch payment, that the faid nominee was dead, or that thereby.

the faid certificate was forged or falle.

LXXI. And it is hereby enacted by the authority aforesaid, Deficiencies That if at any time or times it shall happen that the produce of of the duties the faid feveral rates and duties and fums of money hereby granted to be made for payment of the faid feveral annuities, shall not be sufficient linking fund. to pay and discharge the several and respective annuities, and other charges directed to be paid thereout, at the end of any or either of the respective half-yearly days of payment, at which the same are hereby directed to be paid, then, and so often, and in every such case, such deficiency or deficiencies shall and may be supplied out of any of the monies which at any time or times shall be or remain in the receipt of the exchequer, of the furpluties, excelles, overplus monies, and other revenues compofing the fund commonly called The finking fund, (except fuch monies of the faid finking fund as are appropriated to any particular use or uses, by any former act or acts of parliament in that behalf) and such monies of the said finking fund, shall and may be, from time to time, iffued and applied accordingly; and Occasional if at any time or times before any monies of the feveral rates want of money and duties and sums of money hereby granted, shall be brought of annuities, into the exchequer as aforesaid, there shall happen to be a want to be supplied of money for paying the several annuities as aforesaid, which out of the shall be actually incurred and grown due at any of the half- finking fund. yearly days of payment before mentioned, that then and in every fuch case the money so wanted shall and may be supplied out of the monies of the finking fund, (except as before excepted) and be iffued accordingly.

LXXII. Provided always, and be it enacted by the authority Monies iffued aforesaid, That whatever monies shall be issued out of the sink- out of the ing fund shall, from time to time, be replaced by and out of the tobe replaced. first supplies to be then after granted in parliament,

LXXIII. Provided always, and be it enacted by the authori- Surplus of the ty aforesaid, That in case there shall be any surplus or remainder duties to be of the monies arising by the said several rates and duties, after the disposition of faid several and respective annuities, and all arrears thereof, are parliament. fatisfied, or money sufficient shall be reserved for that purpose, fuch furplus or remainder shall, from time to time, be reserved for the disposition of parliament, and shall not be issued but by the authority of parliament, and as shall be directed by future act or acts of parliament; any thing in any former or other act or acts of parliament to the contrary notwithstanding.

LXXIV. And it is hereby enacted by the authority aforesaid, Persons sued That if any person or persons shall at any time or times be sued on this act, or profecuted for any thing by him or them done or executed in may plead the pursuance of this act, or of any matter or thing in this act con- general issue.

Treble cofts.

tained, such person or persons shall and may plead the general iffue, and give the special matter in evidence for his or their defence; and if upon the trial a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonfuited, then such defendant or defendants shall have treble costs to him or them awarded against such plaintiff or plaintiffs.

2 Gco. 2. C. 23. al.

LXXV. And be it further enacted by the authority aforefaid, made perpetu- That an act made in the second year of the reign of his present Majesty, intituled, An act for the better regulation of attornies and follicitors, which was to be in force from the first day of June one thousand seven hundred and twenty nine for the term of nine years, and from thence to the end of the next session of parliament; and which by an act made in the twelfth year of his prefent Majesty's reign, was explained and amended, and further continued until the twenty fourth day of June one thousand seven hundred and forty eight, and from thence to the end of the next fession of parliament; and which by an act made in the twenty third year of his present Majesty's reign, was explained and amended, and further continued until the twenty fourth day of June one thousand seven hundred and fifty seven, and from thence to the end of the next fession of parliament; by which the payment of several stamp duties on the admission of attornies and follicitors is enforced and regulated shall from and after the expiration thereof, be further continued and made perpetual.

LXXVI. And whereas divers persons through mistake, absence, or Some unavoidable accident, to the prejudice of infants and others, have omitted to cause affidavits to be made and filed in the proper offices, of the actual execution of several contracts in writing, to serve as clerks to attornies and sollicitors, within the times limited by law for that purpose, and many persons may be in danger of incurring certain disabi-Time allowed lities by fuch omissions; be it therefore enacted by the authority aforesaid, That all and every person and persons who have omitted to cause such affidavit or affidavits to be made and filed as aforesaid, and who shall, on or before the first day of Michael-&c. omitted to mas term one thousand seven hundred and fifty seven, cause one or bedone within more affidavit or affidavits to be made and filed in fuch manner the time limit- as is directed by the laws in being, shall be, and are hereby indemnified, freed and discharged from and against all penalties, forfeitures, incapacities and disabilities, in or by any act or acts of parliament mentioned, incurred or to be incurred for or by reason of any neglect or omission, in causing such affidavit or affidavits to be made out and filed in fuch manner as is required by the laws in being; and such affidavit or affidavits so to be made and filed as aforesaid, shall be as effectual to all intents and purposes, as if the same had been made and filed within therespective times limited by the laws in being for that purpose.

LXXVII. And for the relief of any person or persons, who, through neglect or inadvertency, bath or have omitted to pay the feveral rates and duties, or any part thereof, upon monies given, paid, contracted or agreed for, with or in relation to any clerk, apprentice or fervant who bath been put or placed to or with any mafter or miftrefs

to make and file affidavits of execution of indentures, ed by law.

Anno tricesimo Georgii II. c. 20. 1757.]

to learn any profession, trade or employment, and to have such indentures or other writings which contain the covenants, articles, contracts or agreements, relating to the service of such clerk, apprentice or servant stampt within the times by the several acts of parliament for those purposes respectively limited; or who have also, in like manner, omitted to insert and write in words at length, in such indentures or other writings as aforesaid, the full sum or sums of money, or any Time allowed part thereof, received, or in any wife directly or indirectly given, for payment! paid, or agreed or contracted for, with or in relation to every such of duties omitclerk, apprentice or servant as aforesaid; be it enacted, That upon been duly payment of the rates and duties upon monies, or such part of paid on apfuch monies so neglected or omitted to be paid as aforesaid, on prentices fees; or before the first day of September one thousand seven hundred and for tenand fifty feven, to such person or persons to whom the same dentures to be ought to be paid, and tendering the faid indentures, or other stampt, &c. writings, to be stampt at the same time, or at any time on or before the twenty ninth day of September one thousand seven hundred and fifty feven, (of which timely notice is to be given in the London Gazette) the same indentures, or other writings, shall be good and available in law or equity, and may be given in evidence in any court whatfoever; and the clerks, apprentices or servants therein named shall be capable of following and exercifing their respective intended trade or employment, as fully as if the faid rates and duties so omitted had been duly paid, and the full fum or fums received or agreed for as aforefaid, had been inserted; and the persons who have incurred any penalties by the omissions aforesaid, shall be acquitted and discharged of and from the faid penalties; any thing in the faid former acts to the contrary notwithstanding.

CAP. XX.

An act more effectually to prevent the spreading of the distemper now raging amongst the borned cattle in this kingdom.

HEREAS the contagious distemper now rages amongst the horned cattle in this kingdom; for the preventing the Spreading thereof; be it enacted by the King's most excellent majesty, His Majesty by and with the advice and confent of the lords spiritual and impowered to temporal and commons in this present parliament affembled, make orders and by the authority of the same, That it shall and may be to prohibit lawful to and for the King's most excellent majesty, his heirs or driving and fuccesfors, by and with the advice of his or their privy horned cattle council, from time to time, to make fuch rules, orders and re- from one gulations, or to vary or repeal the same, as his Majesty in his county or great wisdom shall judge most expedient and effectual, in Great place to ano-Britain, Ireland, and all other his Majesty's dominions thereunto belonging, or any part or parts thereof, for prohibiting or preventing the driving or removing of any oxen, bulls, cows, calves, steers or heifers infected or not infected with the said diffemper, from or out of any fuch county, riding, divition,

date.



nie of cattle infected, or of their hides, of fuch as thall die of the faid infection, Sec.

hundred, parish or place to any fair or market, or to any other fuch county, hundred, parish or place as shall for that purpose and the fale or be specified in such rules, orders or regulations; and for prohibiting the fale, disposition or other use of any such cattle as shall be infected with the said distemper, or of any hides or fkins, or other parts of fuch infected cattle; and also for the and for burial burial of any fuch beafts as shall die of fuch infectious diftemper, or be killed whilft the same is so infected, and every part thereof, within such time and in such manner as shall be specified in such rules, orders and regulations as aforesaid; and also for the cutting and gashing of the hide or skin of every such infected beaft, before the burial thereof, in fuch manner as to render the same intirely useless; any law, statute, custom or usage to the contrary notwithflanding; and also for such further purposes as his Majesty in his great wisdom shall judge most expepedient and effectual to put a stop to or prevent the spreading of the faid diftemper.

19 G. 2. C. 5. 30 G. 2. C. 4.

cil of 22

enforced;

March 1747,

II. And whereas his Majefly hath, in pursuance of two acts of parliament of the nineteenth and twentieth years of his Majesty's reign, by his order in council bearing date the twenty second day of March one thousand seven bundred and forty seven, made and established certain rules, orders and regulations, for the better preventing the spreading of the said infection, and putting a stop to the distemper, His Majesty's which rules, orders and regulations have been found beneficial; be it order in coun- therefore enacted by the authority aforefaid, That the faid order in council, and all the rules, orders and regulations therein confirmed and contained and inferted (except fuch and so much of them, or any of them respectively, as his Majesty, his heirs and successors, at any time or times, during the continuance of this present act, shall with the advice of his and their privy council judge proper and expedient to repeal, alter or vary) shall be in force; and Obedience to the same, and also such other rules, orders and regulations, vafuch other or- riations and additions as shall be made by virtue of and in purder as shall be suance and under the power and authority of this present act, ced under pe- shall be observed and obeyed by all his Majesty's subjects, during nalty of rol. the continuance of this act, under the penalty of ten pounds, inflicted and directed to be levied by this act, for every offence

Powers given

by order of

tices, magi-

ficers, con-

firmed.

committed against the same. III. And it is hereby further enacted and declared, That all the powers and authorities given by the said order of council, council to jus or which shall be given by any subsequent order of council, by virtue of the authority aforesaid, to justices of the peace and other magistrates, and to commissioners of the land tax, inspecitrates and oftors and other officers appointed in that behalf, shall be duly executed, and are hereby established and enacted, and declared to be as good and valid in the law, to all intents and purposes, during the continuance of the faid order or orders, as if the same were herein repeated and expresly enacted.

IV. And be it further enacted, That from and after the first on persons ob- day of June one thousand seven hundred and fifty seven, all and firucting, &c. every person and persons who shall by force or threats intimi-

date, hinder or prevent the said justices, magistrates, commissi- the execution oners, inspectors or other officers from executing the said rules, of orders, orders and regulations, or from performing their respective duties in relation thereto; or who shall enter into any combina- or entering intion, confederacy or subscription to disobey the said order or or- to a combinaders in council, or to defeat, hinder or prevent the execution tion to difthereof, shall forfeit and pay the sum of fifty pounds, to be re- beat the same. covered by bill, plaint, fuit or information in any of his Majesty's courts of record at Westminster, by any person or persons who thall inform and fue for the fame, to go and be paid to and for the fole use and benefit of such person or persons respectively, with full costs of fuit.

V. And, to the end that all persons may know how to demean themselves in the premisses; be it further enacted by the authority This act, and aforesaid, That this act, and his Majesty's order in council, his Majesty's dated the twenty second day of March one thousand seven hun- order in coundred and forty feven, on such Sunday in every calendar month cil of 22 as the minister shall think proper, shall be publickly read imme- March 1747, to be read diately after prayers, in all parish churches, chapels and other publickly in places let apart for divine worship; and that when and as often church on as his Majesty, his heirs or successors, shall make any rules, Sundays; and orders and regulations, or shall vary or repeal the same, by vir- such new orders and regulations, or shall vary or repeal the same, by vir- such new orders, &c. as tue or in pursuance of this act, every such rule, order, regula-shall hereafter tion, variation and repeal, shall be notified and published in be made, to fuch manner as his Majesty shall think proper, and shall be be read in like publickly read upon the next Sunday after the receipt of the manner. fame, and on such Sunday in every calendar month as the minifter shall think proper, during the time such rules, orders, regulations and variations (hall continue in force in such manner as aforefaid, within such counties, ridings, divisions, hundreds, Printed copy parishes and places as shall be specified in such rules, orders, of all such orregulations, variations and repeals for that purpose; and every ders, together such order, rule, regulation, variation and repeal, together with to be kept by this act, shall be kept by the minister of every such parish the minister, church, chapel or place, who shall permit any person residing for the use of within his parish, chapelry or place to read the same, during the parishiothe time such rule, order or regulation shall continue in force; be provided and the churchwardens or chapelwardens of every parish or at the parish place shall provide a printed copy of this act, for the purpose expence. aforesaid, at the expence of the parish or chapelry.

VI. And be it enacted by the authority aforesaid, That it His Majesty shall and may be lawful to and for the King's most excellent impowered to Majesty, by one or more proclamation or proclamations, to be prohibit by issued at any time or times during the continuance of this act, occasionally, under the great seal of Great Britain, to prohibit and forbid all the importatiand every person and persons, bodies politick and corporate on or exportawhatfoever, to import or bring, or cause or procure to be im-tion of horned ported or brought, directly or indirectly, or export, carry or fend, hides, or other or cause to procure to be exported, carried or sent, directly or part of such indirectly, into or from or out of Great Britain, Ireland, and beaits. the dominions thereunto belonging, or any part thereof, any

ox, bull, cow, calf, steer or heifer, or any raw hides or skins. or any other part of such beast, for such time or times, under fuch rules, orders and regulations, as his Majesty, his heirs and fuccessors, by the advice aforesaid, shall judge most expedient and effectual to prevent or stop the spreading of the said distemper.

Where justices prohibit the holding fairs cattle,

no tanner is to bring any raw hide into his tan-yard, notice to the officer of excife of the dittrict, and produces a certificate concerning the health of the beaft,

which the officer is to enof a breach of orders, forfeits sol.

Officer to have liberty to enter and fearch for hides fulpected to be clandeftinely brought in.

VII. And, to prevent the distemper amongst the horned cattle being spread and increased by tanners and others buying the bides and or markets for skins of infected beasts, it is hereby further enacted, That when fale of horned the justices of the peace at their general quarter sessions, or at any adjournment thereof within their respective counties, ridings and divisions, shall prohibit the holding of any fair or fairs, market or markets, for buying and felling of fuch horned cattle, every tanner, tawer or dreffer of hides and skins shall, before he brings any raw hide or skin of any bull, ox, cow, calf, fteer or heifer, into his tan-yard, workhouse, warehouse or place used before he gives for drefling or manufacturing of hides or skins, give notice to the officer of excise of the district in which such tan-yard or dreffing place is fituated, and whose survey the said tanner. tawer or dreffer of hides shall be under, and subject to, for the time being, and produce to the faid officer a certificate under the hand and feal, or hands and feals, of one or more justice or justices of the peace, or commissioner or commissioners of the land tax, rector or vicar, qualified as herein after mentioned. specifying the colour of such hide or skin, the name and place of abode of the owner of fuch hide or skin, and that, upon examination on oath of one or more credible person or persons, it appeared to the person or persons signing and sealing such certificate, that the beaft, from which such hide or skin was taken, was found, and free from infection; which certificate shall, by the faid officer, be entered into a book to be kept for that purter in a book. pose: and if any tanner, tawer or dresser of hides or skins, shall Tanner guilty bring, or suffer to be brought, into his tan-yard or tan-pits, or other place used for drelling or manufacturing hides or skins. any fuch raw hide or skin, or shall tan or dress, or manufacture any fuch raw hide or skin, without giving fuch notice, and producing such certificate, as aforesaid, every person so offending shall, for every such offence, forfeit the sum of ten pounds; to be recovered, levied and applied, as the feveral forfeitures are by this act directed to be recovered, levied and applied.

VIII. And it is hereby further enacted, That all and every or any of the officers of excise acting and employed in any diftrict wherein any tan-yard, workhouse or warehouse, or place for dreffing or manufacturing of hides or skins is situate and being, shall and may at all times by day or by night (and if in the night, then in the presence of a constable or other officer of the peace) be permitted, upon his or their request, to enter into any such tan-yard, workhouse, warehouse or place, in order to search for hides and skins suspected to be brought and conveyed into the same respectively, contrary to and against the tenor and true

Anno tricesimo Georgii II. C. 20. *757·]

meaning of this act, and then and there to fearch and examine, or cause to be searched or examined, any tan-pit, fat or other place, where any fuch hide or skin is suspected to be laid, hid, put or concealed; and if any tanner, tawer, or other person or persons whatsoever, shall obstruct or hinder any such officer or officers in the execution of his or their duty, power or authority, given to, vested in, and required of, him and them respectively by this act, every person so offending, and being thereof Person oblawfully convicted as aforesaid, shall, for every such offence, structing him forfeit and pay the sum of ten pounds, to be recovered, appli- forfeits rol-

ed and disposed of, in manner herein after mentioned.

IX. And whereas it is necessary to encourage and promote the breeding of cattle, the number being greatly decreased by the said mortality; be it therefore enacted by the authority aforesaid, That His Majesty. it shall and may be lawful for his Majesty, by advice of his privy by advice of council, to prohibit and forbid the killing or flaughtering of his privy cow-calves in such counties and places, and in such manner, council, may and at such times, as his Majesty, during the continuance of casionally, the this act, shall judge proper; and all and every person offending killing of cow against such order and prohibition, shall forfeit and pay the sum calves. of ten pounds, to be recovered, levied and applied, as other forfeitures by this act are to be recovered, levied and applied.

X. And, to prevent any doubts which may arise in the construction Offender aof this act, be it further enacted by the authority aforesaid, That gainst such the removal, driving or sale of every ox, bull, cow, calf, steer prohibition, or heifer, contrary to any fuch rule, order or regulation, shall be deemed a distinct and separate offence, within the intent and What shall be meaning of this act; any thing herein contained to the contrary deemed a dif-

notwithstanding.

XI. And be it further enacted by the authority aforesaid, rate offence. That all and every the rules, orders, regulations and variations, to be made by virtue, and in pursuance, of this act, are hereby observation of required to be punctually observed and obeyed by all his Ma-orders made jesty's subjects; and all and every person and persons who shall under authooffend against any such rule, order, regulation or variation, and rity of this shall be thereof convicted in Great Britain or Ireland, by his, act, enjoined, her, or their own confession, or by the oath or oaths of one or under penalty more credible witness or witnesses before any justice or justices of rol. more credible witness or witnesses before any justice or justices on conviction of the peace for any county, riding, division, city, liberty or of the offender town corporate, where such offence or offences shall be com-before a jusmitted (which justice or justices is and are hereby impowered tice; and required to hear and determine the fame, and to examine any witness or witnesses upon oath concerning the same) shall forfeit and lose the sum of ten pounds; one moiety thereof to one moiety to the informer, and the other moiety to the poor of the parish go to the inwhere such offence shall be committed; to be levied by the former, the ochurchwardens, overseers of the poor, constables, high consta- poor, bles of the hundred, rape or wapentake, or one or more of and to be levithem, by warrant or warrants under the hand and feal, or un- ed by diffress der the hands and seals, of the justice or justices of the peace and fale; who shall convict such offender, by distress and sale of the goods VOL. XXII.

tinct and fepa-



where no distress, the or-3 months. of Great Britain or Ireland, to be punished acof the country.

Appeal may be made from any justice to the next quarter-fessions, upon giving notice and fecurity.

The justices may adjourn the hearing ter-fessions, and if not then determined, the former judgment to it and good; conviction not removeable by certiorari.

Justices may funimon and examine wit-

and chattels of such offender, rendering the overplus (if any be) to the owner thereof; and for want of such distress, such offender shall be committed by such justice or justices to the comcommitted for mon gaol or house of correction of such county, riding, divifion, city, liberty or town corporate, there to remain for the Offenders out space of three months, to be reckoned from the day of such commitment; and all and every person and persons who shall offend against any such rule, order or regulation, in any other of his Majesty's said dominions, shall be deemed, adcording to the judged, and taken to be guilty of a great misdemeanor, and be laws and usage profecuted and punished by fine and imprisonment, according to the laws and usage of the same dominions respectively.

XII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any person or persons, who shall be convicted before such justice or justices of the peace as aforesaid, of any of the offences against this act, to appeal from fuch conviction to the justices of the peace at their next general or quarter fellions to be holden for the county, riding, division, city, liberty or town corporate, in which such offences shall be committed, he, she or they, giving immediate notice to such justice or justices of such intended appeal, and likewise giving security to the satisfaction of such justice or justices, to pay all and every the penalties and forfeitures, to which he, the or they, shall be liable by such conviction; and the costs, charges and expences, of trying such appeal, in case such conviction shall be affirmed; and the faid justices in their next general or quarter fessions, are hereby authorized and required to hear, try, and finally determine the same, upon the merits of the cause, and examination of witness on oath, and to order costs to be paid as shall be just, if they shall think it reasonable so to do.

XIII. Provided nevertheless, That if it shall appear to the faid justices, that there was not sufficient time between such conviction and such quarter-sessions, to give notice to all parthe next quar- ties to attend such appeal, that then it shall and may be lawful for fuch justices to adjourn the hearing thereof to their next subsequent general or quarter sessions, at which they are hereby required to hear, try, and finally determine the same; and in case there shall be no determination on the said appeal at such next or subsequent general or quarter sessions, the judgment and conviction of the justice or justices shall stand and be in full force; and no writ of Certierari shall be allowed to remove the conviction or order of fellions, or any other proceedings thereupon, into any of his Majesty's courts of record at Westminster, or of his Majesty's courts of great session in the principality of Wales, or the counties palatine.

XIV. And be it further enacted by the authority aforefaid. That it shall and may be lawful for any justice or justices of the peace, if he or they shall be informed, that any person or pernesses on oath, fons can give any evidence relating to any of the offences aforetouching any faid, to summon such person or persons to appear before him or them, and to examine such person or persons on oath in relation



Anno tricesimo Georgii II. c. 20. 1757.]

lation thereunto; and in case such person or persons shall refuse or neglect to appear pursuant to such summons, then such justice or justices shall issue out his or their warrant or warrants, for apprehending and bringing such person or persons before him or them; and in case such person or persons shall refuse to and commit be examined upon oath, to commit such persons to the common such as resule gaol or house of correction for such county, riding, division, to give evicity, liberty or town corporate, there to remain until he, she in case of an or they sha!l submit to be examined as aforesaid; and in case of appeal compel any appeal to the general or quarter sessions, to compel such them to enter person or persons to enter into a recognizance, with condition into a recogto appear at the faid general or quarter fessions, and to give evi- nizance to apdence upon trial of fuch appeal.

XV. And be it further enacted by the authority aforesaid, Form of con-That for the more easy and speedy convicting of any person or viction to be persons who shall offend against this act, it shall be sufficient for observed by any justice or justices of the peace, who shall convict any person justices; or persons of any or either of the said offences, to draw such conviction in the following form of words, as the case shall happen, or in any other form of words to the same effect (that is

to fay)

Middlefex. A B. is couvited on his, her or their own confession . (or on the oath of) of having in this kingdom (specifying the offence, and the time and place, when and where the fame was committed)

> Given under my (or our) hand and seal (or hands and feals) this day of

Which said conviction in the same or like form of words, shall the same debe good and effectual in the law, to all intents and purposes, clared to be and shall not be quashed, set aside, or adjudged void or insuffi- valid; eient for want of any other form of words whatfoever; and in and in cafe of case of appeal as aforesaid, the justice or justices who shall con-appeal, is to vict fuch offender or offenders, is and are hereby required to be delivered to deliver, or cause to be delivered, the conviction in the form a- ons, to be filed. forefaid, to the next general or quarter fessions to which the

appeal is made, there to be filed on record.

XVI. Be it further enacted, That the justices of the peace Justices to orwithin their respective limits of their commissions, at their ge-der salaries neral or quarter fessions, or the major part of them then and and charges to there assembled, within that part of Great Britian called Eng- be paid to the inspectors of land, shall have full power and authority, and they are here-cattle, &c. out by required to order such reasonable salaries and charges as they of the county shall think proper, to be paid to any inspector or inspectors, or rates. other person or persons already employed or appointed by the justices of the peace, or hereafter to be employed or appointed by the justices of the peace, or the commissioners of the land tax, to prevent the fpreading of the distemper amongst the cat-

1757.

calf.

tle, out of the monies arisen or hereaster to arise, by virtue of an act of parliament passed in the twelfth year of his Majesty's reign, intituled, An act for the more easy affesting, collecting and

12Geo. 2. C.29. levying county rates.

Commissionin execution the powers given by this cil.

Committioners in all the fusceeding land tax acts from 1746, authorized to Carry into execution the powers veited in them by the laid orders, and act continuing them.

No horned cattle is to be sold until the fame thall have been the feller's property 40 days.

XVII. And be it further enacted, That the commissioners ers of the land of the land tax for the time being in and for every county, riding tax are to put or division, and who have or shall qualify themselves to act as fuch respectively, are hereby impowered and required to put in execution all and every the powers and authorities given to comact, or by any missioners of the land tax by this act, or by any order or orders order of coun- in council pursuant to the same (except the commissioners of the land tax within the county of Middlesex, and all cities and towns which are counties of themselves) in as full and ample manner as the justices of the peace may do within the same.

XVIII. And whereas a doubt bath arifen whether commissioners authorized to put in execution the several succeeding land tax acts, fince the year one thousand seven bundred and forty fix, were properly impowered to carry into execution the rules, orders and regulations made by his Majesty in council, and the powers and authorities given by the several acts of parliament, continuing the same in force from time to time; be it therefore declared and enacted, That the commissioners named in the several succeeding land tax acts, since the year one thousand seven hundred and forty six, to carry the faid respective land tax acts into execution (having duly qualified themselves to act therein, according to the directions in the said acts) are and were authorized to carry into execution the powers and authorities given by fuch rules, orders and regulations, to commissioners of the land tax, as also the powers and authorities given by the several acts of parliament continuing the same in force from time to time.

XIX. And to prevent the spreading of the said infectious distemper, by persons who frequently buy up cattle in infected places, and soon after dispose of the same in places free from the infection, contrary to the true intent and meaning of this act, and the orders and regulations made, or which shall bereafter be made by his Majesty in council; be it enacted by the authority aforefaid, That from and after the said first day of June one thousand seven hundred and fifty feven, no person whatsoever by himself, his servant or agent, thall fell or dispose of any living ox, bull, cow, calf, steer or heifer, until the same shall have been the property of such person for the term of forty days at least; and in proof of such property, the feller shall produce a certificate under the hand of the perion of whom such ox, bull, cow, calf, steer or heifer, was last bought or purchased, signifying the time when he purchased the same; and every person who shall sell or dispose of any ox, bull, cow, calf, steer or heifer, without producing such certificate, and thall be thereof convicted by his, her or their own confession, or by the oath of one or more credible witness or witnesses, before any justice or justices of the peace for the county, riding, division, city, liberty or town corporate, where the offence shall be committed, shall for every ox, bull, cow,

1757.] Anno tricesimo Georgii II. c. 20.

call, steer or heifer, so sold or disposed of, forfeit and pay the on forfeiture sum of ten pounds; unless such person shall by himself, his a of sold gent or servant, make oath before the said justice or justices (which oath the said justice or justices is and are hereby impowered to administer) that the said ox, bull, cow, calf, steer or heifer, has been his property for more than forty days; the Recovery and said forfeiture to be adjudged, levied and recovered, in such application of manner as is herein after directed to be levied and recovered; the forfeiture. one moiety of the said forfeiture to be given to the informer, and the other moiety to the poor of the parish where the offence shall be committed.

XX. And be it further enacted by the authority aforesaid, The seller That every person who shall, from and after the said first day of giving a salse fune one thousand seven hundred and fifty seven, sell or dispose certificate, and of any ox, bull, cow, calf, steer or heiser, and shall give a salse the person accor untrue certificate of the time of the sale of such cattle, and see to severy person who shall accept of such salse or untrue certificate, knowing the same to be such, shall forseit and pay the sum of ten pounds, to be adjudged, levied, recovered and disposed of

in the manner herein after directed.

XXI. And be it enacted by the authority aforesaid, That if If a drover any drover, or person or persons driving and conducting horned finds any catcattle from one place to another, shall find any beast or beasts tie sicken in in his drift sicken upon the road so as to be unable to proceed his drift, he is forward in their journey, such drover, or person or persons diate notice to driving such horned cattle, shall forthwith give notice thereof a parish offito the constable, headborough or churchwarden of the parish cer, or place wherein such beast or beasts shall sicken, in order that the same may be slain and buried, the skin being first slashed, if deemed to be ill of the distemper now raging amongst the horned cattle, in the opinion of the officer of fuch parish or place so summoned, and of two other substantial inhabitants of the said parish or place, whom the said officer is hereby impowered, by a note in writing under his hand, to fummon to his affistance; and in case any drover or person or persons driving upon penalty horned cattle, shall fail herein, or shall conceal or drive out of of sol. the way, without giving such notice, any such sick beast or beasts, he or they so offending shall forfeit and pay ten pounds to the use of the poor of such parish or place wherein such beast or beafts shall be found sick or dead; to be levied on his or their goods and chattels, by warrant under the hand and feal of any justice of the peace of the county, riding, division, liberty, city or town corporate, wherein such drover or person or persons driving fuch horned cattle shall be taken; and in case of non-or six months payment, such drover or person or persons shall be committed imprisonto the common gaol of fuch county, shire, stewartry, riding, ment. division, liberty, city or town corporate, there to remain without bail or mainprize for the space of six calendar months, or

until he or they shall have paid the said penalty.

XXII. And for preventing persons selling any horned cattle before No cattle may they have been in their possession forty days; it is hereby enacted, he sold unless G3

the number, colour, place of fale, and and proof being the feller's property an atteffed copy to be given to the

be abtained of That no person or persons shall sell or dispose of any live ox, bull, cow, calt, steer or heifer, unless he, she or they shall, befides his, her or their compliance with the directions of the faid owner's name; act, first obtain a certificate under the hand and seal of some justice of the peace, or commissioner of the land tax, specifying made of their the colours and number of beafts so intended to be sold, and the parish, township or place from whence the same are brought, 40 days before; or intended to be carried, in order for fale; and the name or names, place or places of abode, of the owner or owners thereof; and that it appears to such justice or commissioner, upon examination on the oath of one or more credible witness or witnesses, penalty of 10 1. that the beafts contained in such certificate have been the property and in the possession of such person or persons, for at least forty days before the date of the faid certificate; and every perfon felling any ox, bull, cow, calf, steer or heifer, by virtue of fuch certificate, shall produce the same and give a true copy thereof, attested by two or more credible witnesses, to the perfon or persons buying such beasts; and every person selling any ox, bull, cow, calf, steer or heifer, without obtaining such certificate, and every person buying the same without receiving a true copy thereof, attested as aforesaid, shall forfeit and pay the fum of ten pounds for every ox, bull, cow, calf, steer and heifer, bought or fold contrary to the true intent and meaning hereof, to be levied, adjudged, recovered, applied and disposed of, as is herein after directed to be levied, adjudged, recovered, applied and disposed of. XXIII. And be it further enacted by the authority aforefaid,

Justice may fummon any ted of a breach of any of thefe regulations;

and the party

is to purge

himself.

That if one or more justice or justices of the peace, during the continuance of this act, shall suspect any person of buying, selperson suspec- ling or driving any ox, bull, cow, calf, steer or heifer, or of taking off the hide from any infected ox, bull, cow, calf, steer or heifer, which shall die of the said distemper, contrary to the true intent and meaning of this act, and the rules, orders and regulations made by his Majesty in council, in pursuance thereof, or of not burying any ox, bull, cow, calf, steer or heifer, contrary to this act and orders, it shall and may be lawful for fuch justice or justices to summon such person to appear before him or them, at a reasonable time to be prefixed in such summons; and the proof of complying with the directions of this act and orders, shall lie on the party so summoned; and if such person shall neglect or refuse to appear before such justice or justices (proof being made upon oath of his or her being duly summoned) or shall not make it out to the satisfaction of him or them that he or she has fully conformed himself or herself to this act, rules and orders, fuch person shall be deemed and taken to be duly convicted of the offence or offences for which he shall be fo fummoned, and incur the several penalties and forfeitures inflicted by this act, to be levied, recovered and adjudged, in One moiety of manner as is herein after mentioned; one moiety of the faid forthe penalty to feiture to be paid to the overfeer of the poor, and be applied to go to the poor, the use of the poor of the parish where such person dwells; and

and the other

Anno tricetimo Georgii II. c. 20. 1757.

the other moiety to the treasurer of the county, riding or divi- to the county Great Britain, called Scatland to fuch perfor and for fuch pure Scotland, to Great Britain, called Scotland, to fuch person and for such pur- be applied as poses, as the justices in their general quarter-fessions shall direct the justices

and appoint. XXIV. And for the more effectual preventing the spreading of the said infectious distemper by persons commonly called Jobbers, who occupying little or no grazing land, buy up cattle in infected places, and soon after dispose of the same; be it enacted by the authority No person aforesaid, That from and after the said first day of June one may buy thousand seven hundred and fifty seven, no person whatsoever cattle, without (butchers and others excepted, buying fat cattle for immediate a certificate of flaughter) shall purchase any living ox, bull, cow, calf, steer his name and or heifer, without having first obtained a certificate under the number of hand and feal of some justice of the peace or commissioner of beatts he inthe land tax, acting for the county, riding, division, city, li- tends to buy; berty, town or place where such person resides, specifying his or her name, and place of abode, and the number of beafts he or she intends to purchase, and whether such beasts are intended to be purchased by him or herself, or by an agent or servant, and if by an agent or servant, then the name and place of abode of fuch agent or fervant, and that it appears to fuch justice or commissioner upon examination on the oath of one or more credible witness or witnesses, that such person really occupies land and that he fufficient to graze and keep the number of beafts contained in has land fuffifuch certificate, over and above the flock fuch person is at present cient to graze possessed of, for the space of three months; and that it may ap-three months, pear no more beafts were bought than were contained in such over and acertificate, every fuch person shall, upon bringing any cattle into bove his preany parish or place, bought in pursuance of such certificate, sent stock. produce and shew the said certificate to an inspector, church- home the warden or overseer of the poor, if any there be, of such parish cattle, the or place, and shall at the same time acquaint such inspector, certificate is churchwarden or overseer, with the place where, and the name to be produced of the person of whom such beasts were purchased; and the said to the inspecinspector, churchwarden or overseer, is hereby required to mark the parish. on the back of the faid certificate, the number of beafts fo brought into any parish or place, and the place where, and the name of the person of whom such beasts were purchased, and the day when such certificate was so produced; and if any perfon or persons (butchers or others buying fat cattle for immedi- Buyer not ate flaughter excepted as aforesaid) shall, from and after the said conforming first day of June one thousand seven hundred and fifty seven, hereto, forbuy any ox, bull, cow, calf, steer or heifer, without previously obtaining such certificate, or shall buy more than the number contained in the same, or shall not produce the said certificate to an inspector, churchwarden or overseer of the poor, every such person shall, for every beast bought contrary to the true intent and meaning hereof, forfeit and pay the fum of five pounds; the faid penalty to be levied, adjudged, recovered, applied and disposed of as is herein after directed.

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Certificate not good, unless the cattle be purchased within a month after the date. Where cattle are stope for tificate, they are to be driven back to the place from whence they fet out;

tected place.

In Scotland conitables are to execute the powers, &c. vested in the churchwardens;

and the commissioners of the land tax are to affefs to defray the expence of fuch fervice.

Method of recovery of pecuntary pemalties.

XXV. Provided always, That no cattle shall be deemed to be bought by virtue of such certificate, unless the same are pur-

chaled within one month from the date thereof.

XXVI. And be it further enacted by the authority aforefaid, That when and as often as any cattle shall be stopped for want of a proper certificate, the constable or other proper officer of the township or parish where the said cattle shall be so stopped, want of a cer- shall cause such cattle, with all convenient expedition, to be driven back to the next constablewick from whence they last came, and shall give notice thereof to the constable or other proper officer of such next constablewick, who shall, and he is hereby required to receive the faid cattle, and to cause the same to be driven through his constablewick, to the next constablewick from whence such cattle were driven, the constable or other and are to be parish officer whereof shall receive the same as aforesaid, and so treated ascat- from constablewick to constablewick, until such cattle shall artle which have rive at the first township or place in the said county, riding, dimile of an in- vision or liberty, through which they were suffered to pass, without a proper certificate, they shall be treated in such and the like manner as cattle which have been within one mile of an infected place are by this act, or by any of his Majesty's orders of council deemed to be treated.

> XXVII. And whereas there are no such officers as overseers of the poor and churchwardens, in that part of Great Britain called Scotland; therefore in order to carry this act in that part of the united kingdom into execution, be it enacted by the authority aforefaid, That all matters and things appointed to be done and executed by the overfeers of the poor and churchwardens, in that part of Great Britain called England, shall, in Scotland, be done and executed by the constables, or other officers, to be appointed by the justices of the peace for that purpose, at their respec-

tive quarter-sessions or adjournment thereof.

XXVIII. And in order to make provision in that part of the united kingdom called Scotland, for any expence that may attend the execution of this service; be it enacted by the authority aforesaid, That it may be lawful for the commissioners of the land tax, and they are hereby impowered to affels their respective counties, in a sum not exceeding fifty pounds for each county, to their counties be levied and collected in the same proportions, and according to the same rules, with the land tax; and which sum the respective collectors of the land tax for each county are hereby required to collect and iffue, by order of the respective justices of the peace, or the major part of them, affembled at the quarterfessions or adjournment thereof.

XXIX. And it is hereby further enacted, That wherefoever any person shall, for any offence to be hereafter committed against any law now in being relating to the preventing the spreading of the distemper which now rages amongst the horned cattle in this kingdom, be liable or subject to pay any pecuniary penalty or sum of money upon conviction, before any justice or justices of the peace, it shall and may be lawful for any other person

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person whatsoever, either to proceed to recover the said penalty, by information and conviction, before any justice or justices of the peace, in such manner as is directed by this act, or to sue for the same by action of debt or on the case, bill, plaint or information, in any of his Majesty's courts of record, wherein Plaintiff recono essoin, protection or wager of law, or more than one impar- vering intitled lance shall be allowed, and wherein the plaintiff, if he recovers, to double shall likewise have his double costs.

XXX. Provided, That all fuits and actions to be brought Limitation of by virtue of this act, shall be brought before the end of the next actions. term after the offence committed; and that no offender against any of the laws now in being for the preventing the spreading of the distemper which now rages amongst the horned cattle, shall be prosecuted twice for the same offence.

XXXI. And be it further enacted by the authority aforesaid, Commission. That all the commissioners of the land tax, and rectors or vi- tax, and reccars who are rated to the land tax for one hundred pounds per tors, and viannum, shall, in their respective parishes, and they are hereby cars, rated for impowered to grant certificates of health for cattle, in as full 1001. per ann. and ample manner, as any justice or justices of the peace are certificates of impowered in any manner whatfoever to do, for which faid cer- health for tificates no fee or reward whatfoever shall be taken.

XXXII. And be it further enacted by the authority aforesaid, Persons grant-That from and after the first day of June one thousand seven ing certifihundred and fifty seven, all persons whatsoever taking upon cates, are to them to grant certificates in pursuance of this act, or his Ma- in their office, jesty's orders relating thereto, shall set forth in every such certificate by virtue of what office he grants such certificate, whether as justice of the peace for any county, city or borough, commissioner of the land tax, or otherwise; and in case any person shall neglect so to do, such person shall, for every such on penalty of offence respectively, forfeit and pay the sum of ten pounds of 101. lawful money of Great Britain, for every such neglect, to be recovered by action of debt, bill, plaint or information, in any of his Majesty's courts of record at Westminster, with full costs of fuit, wherein no essoin, privilege, protection or wager of law,

or more than one imparlance shall be allowed. XXXIII. And be it further enacted by the authority afore- Justices at faid, That the justices of the peace within their respective divi- their petty fions, at their petty sessions, or the major part of them then sessions to apand there affembled, within that part of Great Britain called point inspec-England, shall have full power and authority to appoint any person or persons to be inspector or inspectors of any houses, buildings, grounds, fields and cattle within their faid divisions, to be affistant to the constables, chuchwardens and overseers of the poor, in such manner as the justices of the peace at their general quarter sessions are by his Majesty's said order in council, dated the second of March one thousand seven hundred and forty

feven, impowered to do.

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XXXIV. Provided, That no feller or buyer of any fuch Certificates cattle shall be obliged to take out either of the said certificates, sary where the

where buyer and

feller live within five miles of each other; provided the other regulations are com plied with.

The prohibi-

fairs or mar-

kets for fale of horned

cattle, is to

extend to all

corporations

within, or contiguous to,

fuch county;

ttrates offend-

and magi-

ing against tuch prohibi-

tion, forfeit

100 i.

tion of the

county at large, to hold

where both the seller and buyer live in the same parish, or in the next adjacent parish or place, or within five miles distance of each other.

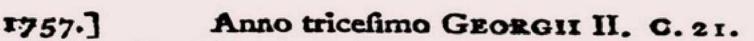
XXXV. Provided, That the feller of fuch cattle has been in the possession of the cattle so to be sold forty days at the least before fuch fale, and so as the buyer keeps the faid cattle three months at the leaft, from the time he purchases the same, and so as the diftemper that now rages amongst the horned cattle in this kingdom, be not within the space of ten miles of the seller's abode, and that the feller and buyer live in the same county; any thing

in this act to the contrary notwithstanding.

XXXVI. And whereas the mogistrates of some corporations situeted within counties at large, have in some places presumed to hold fairs and markets for the fale of borned cattle, when the justices of the peace for the county at large have prohibited fairs and markets to be holden in the said county, which in a great measure frustrates the faid prohibition. and occasions many disputes; be it therefore further enacted by the authority aforesaid, That from and after the laid first day of June in the year of our Lord one thousand seven justices for the hundred and fifty seven, where the justices of the peace for any county at large have already, or shall hereafter think proper, to prohibit fairs and markets to be holden for the fale of horned cattle within fuch county, fuch prohibition shall be deemed and taken to extend to all corporations within fuch county, or furrounded by or lying contiguous to fuch county, any charter, privilege or exemption to the contrary notwithstanding; and in case any such magistrate shall proclaim or give notice, or cause to be proclaimed or notice to be given, of any fair or market for horned beafts, or shall wilfully and knowingly permit any horned beafts to be brought into or fold at any fair or market within his jurisdiction, during such prohibition as aforesaid, fuch magistrate shall forfeit and pay the sum of one hundred pounds of lawful money of Great Britain, to any person who shall sue for the same in any of his Majesty's courts of record at Westminster, wherein no essoin, privilege, protection, wager of law, or more than one imparlance shall be allowed.

No beaft or hide is to be certified for, which has not been the legal time,&c. within the jurisdiction of the person certifying. Magistrate granting a certiticate otherwife, for feits 20 l.

XXXVII. And be it further enacted, That from and after the first day of June one thousand seven hundred and fifty seven, no justice of the peace, or other magistrate of any corporation, or commissioner of the land tax for such corporation, or rector or vicar within any corporation, shall certify for any horned beaft but such as have been kept within his jurisdiction for the time required by law, nor for the hide of any beaft but fuch as have been flaughtered within his jurisdiction; any thing in any former act to the contrary notwithstanding : and in case any such magistrate shall take upon him to grant certificates, otherwife than as aforesaid, such magistrate shall forfeit and pay the sum of twenty pounds of lawful money of Great Britain, for every certificate so granted, to any person or persons that shall sue for the same, to be recovered by action of debt, bill, plaint or information, in any of his Majesty's courts of record at IVest-



minster, with full costs of suit, wherein no essoin, privilege, protection, wager of law, or more than one imparlance shall be allowed.

XXXVIII. Be it further enacted by this act, That it shall Upon inforand may be lawful for any four or more of the justices of the mation that peace, of any county within this realm, at their general quar- the distemper ter-sessions, or any adjournment thereof, upon information bouring countergiven to them that the faid distemper is in any neighbouring ty, the justices county, to prohibit for a certain time, or until the distemper may prohibit shall cease in such county, any ox, bull, cow, calf, steer or the removal heifer, from being driven or removed, or any hides, skins, or of cattle or flesh carried from such country or from any hands of hides from flesh carried from such county, or from any hundred, lathe, thence. wapentake, rape, ward, or other division of such county so infected, into the county so making such order; and in case any person shall act contrary to such order, such person shall incur the penalties and forfeitures enacted against persons driving cattle without certificates.

XXXIX. And be it further enacted by the authority afore- Persons sued said, That if action or suit shall be commenced against any per- on this act, fon or persons, for any thing done in pursuance of this act, may plead the the defendant or defendants in such action or suit may plead the general issue. general issue, and give this act and the special matter in evidence, at any trial to be had thereupon; and that the same was done in pursuance and by authority of this act, or of some rule, order or regulation made or to be made in pursuance of this act; and if it shall appear so to have been done, then the jury shall find for the defendant or defendants; and if the plaintiff shall be nonsuited, or discontinue his action after the defendant or defendants shall have appeared; or if judgment shall be given upon any verdict or demurrer against the plaintiff, the defendant or defendants shall and may recover treble costs, and have Treble costs. the like remedy for the same, as the defendant or defendants hath or have in other cases by law.

XL. And be it further enacted by the authority aforesaid, Continuance That this act shall continue and be in force until the twenty of the act. ninth day of September one thousand seven hundred and fifty feven, and from thence to the end of the then next fession of parliament.

CAP. XXI.

An alt for the more effectual preservation and improvement of the spawn and fry of fish in the river of Thames, and waters of Medway; and for the better regulating the fishery thereof.

X7 HEREAS by an act of parliament made and passed in the www ninth year of the reign of her late majesty Queen Anne, in- 9 Annæ, 0.26. the fishery within the river of Thames; and for regulating and governing the company of fishermen of the said river; it was enacted, That from and after the tenth day of June one thousand



Seven bundred and eleven, it should and might be lawful to and for the court of affishants of the said company, for the time being, or the major part of them present, to make such by-laws and ordinances for the good rule and government of the faid company, as they should think fit, so as the same should be always first approved of, or from time to time altered and amended by the court of the mayor and aldermen of the city of London, and likewife allowed and confirmed according to the form of the statute in that behalf made and provided; and that from and after the said tenth day of June there should be yearly cletted and chosen by the next court of mayor and aldermen to be held after the tenth day of June, out of the fix wardens of the faid company for the time being, to be nominated by the said court of affistants, one fit person to be a master of the art or mystery of fishermen; and also out of twelve affigants to be nominated as aforefuid, fix fit persons to be wardens of the said art or mystery (whereof the water bailiff of the city of London for the time being, to be one) and in like manner, out of fixty of the commonalty, to be nominated as aforesaid, thirty fit persons to be affistants of the said company; which said master, wardens and affistants, or any sixteen of them, together with three of the said wardens, should be, and were thereby constituted the court of assistants of the said company, for the time being; and were required to meet and assemble together, from time to time, on the first Tuesday in every calendar month in the year, in the hall of the Said company, in order to form the said court of assistants, and keep the same for regulating and reforming abuses committed in the said fishery; and for the due ordering and governance of the faid company: and whereas in pursuance of the said att of parliament, certain by-laws and ordinances were made for regulating the faid fishery, and reforming abuses committed therein, but the said company having ceased to all from about the year one thousand seven hundred and twenty seven, and most of the members thereof being dead, the regulations in the said fishery intended by the said att have not taken place, and the several laws now in force for the preservation of the said fishery, have bitherto proved ineffectual, and by the unwarrantable practices used by fishermen and others, the brood and fry of fish in the said river and waters of Medway have been greatly burt and destroyed: for remedy whereof and for the better preserving the spawn, fry and young broad of fift in the faid river of Thames, and also in the waters of Medway, so far as the same are within the jurisdiction of the mayor of the city of London, as conservator of the river of Thames, and waters of Medway, and for preventing the fishing therein with unlawful and unfixeable nets, engines or other devices; and for the afcertaining the times Seasons, and manner of fishing in the said river and waters, and the fixe and kind of nets and engines to he used in fishing in the said river and waters; and for regulating the said fishery, and reforming abuses therein; and for the more speely and effectual apprehending and punishing the finders; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That the court of the mayor and aldermen of the faid city of

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London for the time being, shall have full power and authority, The court of and they are hereby required on or before the twenty ninth day of mayor and al-September in the year of our Lord one thousand seven hundred London, imand fifty seven, to make, frame and set down in writing, such powered to reasonable rules, orders or ordinances, for the governing and re- make rules gulating all persons who shall fish or drudge in the said river of for regulating Thames, and also in the said waters of Medway (within the said the fishermen jurisdiction of the said mayor, as conservator as aforesaid) as men in the common fishermen or drudgermen, or otherwise; and for de- Thames and claration in what manner they shall demean themselves in fish- Medway; ing, and with what manner of nets and engines, and at what times and seasons they shall use fishing in the said river and waters of Medway, within the jurisdiction aforesaid, and for ascertaining the affize of the feveral fish to be there taken; and for the preservation from time to time of the spawn and fry of fish in the said river and waters, within the jurisdiction aforesaid; and for obliging every common fisherman or drudgerman, or other fuch person who shall fish with a boat, vessel or craft, from and after the faid twenty ninth day of September one thousand seven hundred and fifty seven, in the said river of Thames, and in the faid waters of Medway, within the jurisdiction aforesaid, to have in his boat, vessel or craft, both his christian and surname, and also the name of the parish or place in which he dwelleth, painted in legible and large characters, in some convenient place where any one may see and read the same; and for preventing fuch name or mark of distinction from being changed, altered or defaced; and to annex reasonable penalties and forfeitures for the breach of fuch rules, orders or ordinances, not exceeding the fum of five pounds for any one offence; and fuch rules, orders and ordinances, or any of them, from time to time, to alter and amend, and fuch new and other rules, orders and ordinances, touching the matters aforesaid, with such reasonable penalties and forfeitures (not exceeding five pounds for any one offence) from time to time to make, as to the faid court in their discretion shall seem meet, for the better putting this act in execution; so as after the making thereof the same be allowed the rules to and approved of, from time to time, by the lord chancellor of be approved Great Britain, the lord keeper or lords commissioners of the of by two of great seal, for the time being, the lord chief justice of the court the judges. of King's Bench, the lord chief justice of the court of Common Pleas, the lord chief baron of the court of Exchequer, or any two of them, who are hereby required, on request from time to time to them, or any two or more of them, made by or on the behalf of the said court of mayor and aldermen, to peruse and examine all fuch rules, orders or ordinances, as thall, from time to time, be made by the faid court of mayor and aldermen, in pursuance of this act, and laid before the said lord high chancellor, lord keeper, or lords commissioners of the great seal, for the time being, the said lord chief justice of the court of King's Bench, the faid lord chief justice of the court of Common Pleas, the faid lord chief baron, or any two of them, for their

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allowance and approbation; and they, or any two of them, are to allow thereof, or alter the same, before they allow thereof, as they or any two of them, shall from time to time think fit; and for the doing thereof, no fee or reward shall be paid or taken.

The penalties annexed to the faid rules, confirmed.

II. And be it further enacted by the authority aforefaid, That no person or persons whatsoever shall, within the said jurisdiction of the said mayor, from and after the first day of November one thousand seven hundred and fifty seven, wilfully take, destroy, spoil, kill or expose to sale, or exchange for any goods, matter or thing, whatfoever, any spawn, fry or brood of fish, or spatt of oysters, or any unsizeable or unwholsome fish, or fish out of season, or bring such fish on shore for sale, or use or keep any net, engine or other device whatfoever, which shall be prohibited or declared unlawful in and by fuch rules, orders, and ordinances of the faid court of mayor and aldermen of the faid city allowed and approved of as aforefaid, upon pain of forfeiting and paying, for every offence, such sum and sums of money as in and by fuch rules, orders or ordinances, shall be respectively appointed, and to be recovered in such manner as is herein after mentioned.

The rules to published.

III. Provided nevertheless, and be it enacted by the authority be printed and aforesaid, That such rules, orders and ordinances, so to be from time to time made by the faid court of the mayor and aldermen, shall, within thirty days after the same shall be allowed and approved of as aforesaid, be printed and made publick in such manner as the faid court shall think proper, and from time to time order.

ally, 12 filhermen, and examine them touching the fishery of the Thames and Medway;

IV. And to the intent the said court of the mayor and aldermen of the faid city may be the better informed what rules, orders and ordinances may be proper to be made from time to time, for the better regulation and preservation of the said fishery; be it further enact-Court to sum- ed by the authority aforesaid, That the said court shall at some mon occasion- time or times between the twenty fifth day of June and twenty ninth day of September next, and so yearly for ever thereafter, (if occasion shall so require) between the twenty fifth day of June and twenty ninth day of September in every year, order to be furnmoned before them fuch and fo many persons who shall fish in the said river of Thames, or waters of Medway, within the jurisdiction aforesaid, as common fishermen or drudgermen (not exceeding twelve in number) as to the faid court shall seem meet to be examined upon oath (if the said court shall so think fit) touching the fish and fishery of the said river and wa-Fishermen re- ters; and if any such common fisherman or drudgerman being personally summoned by writing to attend the said court of mayor and aldermen for the purposes aforesaid, by the space of fourteen days at the leaft, shall neglect or refuse so to do, or in case of attendance shall refuse to be examined upon oath as aforesaid, not having or making appear before the said court some just or lawful excuse for such neglect or refusal; then, and in every such case, he or they so offending shall, on due proof made by oath in such court of the due service of the summons

fufing to attend or to be examined forteit 40s.

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in manner aforesaid, forfeit and lose the sum of forty shillings, to be levied by diffress and sale of his or their goods and chat- to be levied by tels, by warrant under the hand and seal of the said mayor, or distress and the recorder of the faid city, or any one alderman of the faid fale, city, directed to any affistant of the said water bailiff, or any constable, headborough or peace officer, impowering him, them or any of them, to make the said distress for the said forty shillings, and cause the same to be appraised and sold after the expiration of five days from the making such distress, rendering the overplus, if any, to the faid offender; which faid penal and paid to sum shall, as soon as received, be paid to the treasurer of Green- Greenwich

with hospital for the benefit of the same hospital. V. And be it further enacted by the authority aforesaid, Water bailiff, That for the better preservation of the said fishery of the said his assistants, aforesaid, and for preventing as much as may be any charles thorized by aforesaid, and for preventing, as much as may be, any abuses the mayor, from being committed therein, it shall and may be lawful to and for the deputy of the faid mayor for the time being, as conservator as aforesaid, commonly called The water bailiff, and his assistant and assistants, such assistant and assistants having been named and appointed to be his affiftant and affiftants, by warrant under the hand and seal of the mayor of the said city for the time being, and likewise for all and every other person or persons who shall for that purpose be specially authorized by any warrant or warrants under the hand and feal of the faid mayor, from time to time, and at all times, to enter into any boat, vef- may enter into fel or craft of any fisherman or drudgerman, or other person or fishermens persons fishing or taking fish, or endeavouring to take fish, up- boats, and on the said river of Thames, or upon the said waters of Medway, hibited fish, within the jurisdiction aforesaid, and there search for, take and nets, &c. on seize all spawn, fry, brood of fish, spatt of oysters, and unsizea-board, ble, unwholesome or unseasonable fish, and also all unlawful nets, engines and instruments, for taking or destroying fish, as shall then be in any such boat or boats, vessel or craft, in or upon the faid river or waters; and to take and seize on the shore and such as or shores adjoining to the said river, or waters of Medway, shall be found within the jurisdiction aforesaid, all such spawn, fry, brood of fish, on the shore; spatt of oysters, unsizeable, unwholesome, or unseasonable fish, as shall be there found; and such deputy and assistants, or other persons, who shall be so authorized as aforesaid, shall from time to time, with all convenient speed, after the seizing or taking of any such unlawful nets, engines or instruments, or any spawn, and bring fry, brood of fish, or spatt of oysters, or unsizeable, unwhole- and bring them before some or unseasonable fish, bring or cause the same to be brought, a proper before the mayor of the faid city for the time being, or the re- magistrate; corder of the faid city, or one of the aldermen of the faid city, if seised within the limits of the said city of London, and liberties thereof, either upon the faid river or on shore, or before the mayor of the faid city for the time being, or the recorder of the faid city, or one of the aldermen of the faid city, or one of his Majesty's justices of the peace of the country in which such sei-

hospital.

and the fame being found, to the rules,

are to be burnt.

an officer in his duty, or rescuing an offender.

determine complaints touching offummary way;

zure shall be made, if made upon the faid river or waters, out of the limits of the faid city, or the liberties thereof, but within the jurisdiction of the said mayor as conservator as aforesaid, or before one of his Majesty's justices of the peace of the county in which the same shall be seised on shore, who shall respectively cause such nets, engines or instruments, or spawn, fry, brood of fish, spatt of oysters, unsizable, unwholesome or unseasonable fish, so seised, to be examined; and if the same shall, upon view and examination thereof, or on proof on oath before him or to be contrary them made (which oath he and they is and are hereby impowed to administer) appear to be unsizeable, unwholesome or unseasonable fish, or unlawful nets, engines or instruments for taking unfizeable fish, or destroying of fish or spawn of fish, contrary to fuch rules, orders or ordinances, as shall be made by the faid court of the faid mayor and aldermen, and allowed and approved of as aforefaid, and the intent and meaning of this act, and that the same were so seised as aforesaid, the said mayor, recorder, or any alderman of the faid city, or justice respectively, within their respective jurisdictions, shall cause to be forthwith burnt or destroyed, as well all such unlawful nets, engines or instruments, as also all such spawn, fry or unsizeable, unwholefome or unseasonable fish, as shall be seised as aforesaid.

VI. And be it further enacted by the authority aforefaid, Penalty of 10l. That if any person or persons shall obstruct or hinder the said water bailiff, his affiftants, or any of the faid officers, or any constable, headborough or other peace officer, in the execution of any of the powers vested in them by this act, or of any warrant or warrants to be issued by the said mayor, recorder, or any alderman of the faid city, or justice respectively, in pursuance of this act; or if any person or persons whatsoever shall rescue any person or persons who shall be apprehended or taken by virtue or in pursuance of any of the powers given by this act, the perfon or persons so offending therein shall, for every such offence, forfeit the sum of ten pounds, on conviction thereof by the oath of one or more credible witness or witnesses, before the faid mayor, recorder, or one of the aldermen of the faid city, within the faid city and liberties, or the jurisdiction aforesaid, or before a justice of the county where the said offence shall be committed, or where the offender shall be apprehended.

VII. And be it further enacted by the authority aforefaid, Magistrates to That the mayor, recorder, or any one alderman of the said city, within the faid city and jurisdiction aforesaid, and his Majesty's justices of the peace of the respective counties within the jurisfences against diction aforesaid, or any one of them, shall have full power to the rules, in a hear and determine in a fummary way, complaints touching any unlawful or undue fishing, or taking or destroying fish, or any other offences to be committed contrary to any of the rules, orders or ordinances, at any time hereafter to be made by the faid court of the mayor and aldermen in pursuance of this act. and which shall be allowed and approved of as aforesaid; and the faid mayor, recorder, aldermen and justices, and each of them

Anno tricelimo Grorgu II. c. 21. 1757.]

them respectively, within their respective jurisdictions, are and is hereby authorized and required upon view, or upon com- and upon plaint made on oath to them respectively, of any such offence view or committed within their respective jurisdictions, contrary to such complaint on rules, orders or ordinances, within ten days after the commis- offence, to isfion of any such offence, to issue his or their warrant or war- sue their warrants under his hand and seal, or their hands and seals, directed to rants for apaforesaid or to such constables has dhoroughe or affistants as offenders, aforesaid, or to such constables, headboroughs or other peace officers, as the faid mayor, recorder, aldermen or justices, or any one of them shall, from time to time think fit, thereby requiring him or them to apprehend such offender or offenders, and to bring him, her or them, before the faid mayor, recorder, aldermen or justices, or any one of them, within their respective jurisdictions, to answer the matters of complaint to be contained in fuch warrant or warrants; and which warrant or warrants the person and persons to whom the same shall be directed, and their assistants, are hereby authorized, impowered and required, to execute on the said river of Thames, or on the waters of Medway, or on any part thereof, within the jurisdiction aforesaid, or on any shore adjoining to the said river, or waters of Medway; and for that purpose, they, and every of them, are hereby authorized, impowered and required, at all times, to go on board any boat, vessel or craft, in the said river or waters; or in the day time, with a peace officer, to enter any house wherein any such offender or offenders shall be, for the apprehending him, her or them; and when apprehended, to carry him, her or them, as foon as conveniently may be, before the faid mayor, recorder, or one of the aldermen of the faid city, if apprehended in the faid city of London, or the liberties thereof; and if apprehended out of the faid city of London, or the liberties thereof, then before one of the justices of the county where the said offender or offenders shall be taken; and the said mayor, recorder, alder- and to summen and justices, within their respective jurisdictions, or any mon witnesses, one of them, are and is hereby authorized and required to sum- and examine them on oath. mon witnesses, on either side, before them, and to examine them on oath (which oath the faid mayor, recorder, aldermen and justices respectively, or any one of them, is and are hereby authorized, impowered and required, to administer) touching the premisses, and thereupon to hear and determine the same; and in case any offender or offenders shall thereupon, by the Upon convicfaid mayor, recorder or aldermen, or the faid justices, or one of tion, offender them, be convicted, and adjudged guilty of any fuch offence, to forfeit as then such offender or offenders shall thereby incur and forfeit rect. fuch penalty as shall be by such rules and ordinances set and imposed for the same; and that such warrant or warrants, or other act or acts of the faid mayor, recorder, aldermen or justices, and the act and acts of the water bailiff, and his affiftants, and of all constables, headboroughs and other persons, in obedience to fuch warrant or warrants, shall be as valid, good and effectual in law, to all intents whatfoever, as if the fame were exc-Vol. XXII.

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cuted within the proper limits of their own city, county or jurifdiction.

Witness refuling to appear, or to give evidence,

without just

51. nor less

than 20s.

caule, forfeits

not exceeding

VIII. And be it further enacted by the authority aforesaid, That if any witness or witnesses who shall be summoned in pursuance of this act to appear before the said mayor, recorder, aldermen, or justices of the peace, or any one of them, within their respective jurisdictions aforefaid, shall neglect or refuse to appear according to the direction of the fummons, or appearing thall refuse to be examined on oath touching the premisses, and no just excuse shall be offered for such neglect or refusal, every person so offending, on proof on oath being made of such summons having been served on him, her or them, shall for every fuch offence, forfeit and lose such sum of money, not exceeding five pounds, nor less than twenty shillings, as the said mayor, recorder, aldermen or justices, or any one of them, within their respective jurisdictions, shall by warrant under his hand or their hands order or direct.

Officer neglecting his duty, forfeits any fum not exceeding 51.

IX. And be it further enacted by the authority aforesaid, That if any affiftant or affiftants of the water bailiff of the faid city, or any peace officer, shall wittingly or willingly neglect or refuse to serve or execute any warrant or warrants to him or them directed in pursuance of this act, or shall otherwise wilfully or wittingly omit the performance of his or their duty in the execution of this act, and shall be thereof convicted by the oath of one or more credible witness or witnesses, before the said mayor, recorder, or any fuch alderman, or justice as aforesaid, within their respective jurisdictions, every such affistant or peace officer so offending shall forfeit and lose any sum of money not exceeding five pounds, as the faid mayor, recorder, alderman, or justice, or any one of them, within their respective jurisdictions shall think reasonable and direct.

Penalty 51. on water bailiff, or affiltant, taking any gratuity to offender.

X. And be it further enacted by the authority aforefaid, That if the faid water bailiff, or any of his affiftants, shall at any time hereafter receive any fum of money, gratuity or reward whatfoever, from any person or persons to prevent, delay or icreen, &c. an hinder any profecution; or compound for, or wilfully conceal any offence to be committed contrary to this act, and shall be thereof convicted by the oath of one or more credible witness or witnesses, before the said mayor, recorder or aldermen, of the faid city, or any one of them (and which oath the faid mayor, recorder and aldermen or any one of them, is and are hereby authorized to administer) such water bailiff and his assistants respectively, for every such offence shall forfeit and lose the sum of five pounds.

XI. And for the better and more easy recovery of the several penalties and forseitures to be incurred by disobedience to this act, and the powers therein contained, and disposing of the Said forfeitures, where no particular provision is already made herein; be it further Method of recovery, and enacted by the authority aforesaid, That it shall and may be application of lawful to and for the mayor of the said city of London for the the forfeiture, time being, recorder and aldermen of the faid city, or any one



Anno tricefimo Georgii II. C. 21.

of them, within the faid city, or liberties thereof, or within the jurisdiction aforesaid, and to and for any other of his Majesty's justices of the peace, or any one of them, within their respective counties, on the conviction of any person or persons for any offence or offences committed contrary to the true meaning of this act, the forfeiture not being paid, to iffue a warrant or warrants under his hand and feal, or their hands and feals respectively, directed to the affiftant or affiftants of the faid water bailiff, or any peace officer, within their respective jurisdictions, impowering him or them to make distress of the goods and chattels of the laid offender or offenders, for the sum to be levied by any fuch warrants; and to cause such goods and chattels, after five days from the distress taken, to be appraised and sold, rendering the overplus, if any, after deducting the forfeiture and the costs and charges of the diffress and sale, to the owners; which charges shall be ascertained by the magistrate before whom such offender or offenders shall have been so convicted; and for For want of want of such distress and non-payment, then it shall be lawful distress, offor the faid mayor, recorder, aldermen and justices, or any one fender to be of them, within their respective jurisdictions, by warrant under committed for his hand and feal, to commit fuch offender or offenders to the 3 months. common gaol or house of correction of the city or county, where fuch offender or offenders shall be convicted, there to remain for the space of three months from the time of such commitment, unless payment shall be made of the said penalty, costs and charges, before the expiration of the faid three months; and one moiety of all such penalties and forfeitures, when reco- One moiety of vered, shall be paid to the informer, and the other moiety there- the penalty to of shall be paid to the treasurer of Greenwich hospital aforesaid, go to the in-for the use of the said hospital; but in case any such offender or other to offenders thall think him or themselves aggrieved by such con- Greenwich viction, and shall within the said five days enter into a recogni- hospital. zance with two good and fufficient fureties, in the penal fum of If the offendtwenty pounds, before such magistrate or magistrates, before er, aggrieved by such conwhom he, she or they, shall be so convicted, (which said re-viction, shall cognizance shall be returned, within the space of fourteen days, enter into a to the faid court of the mayor and aldermen) conditioned for recognizance, his personal appearance at some court of the said mayor and al- with sureties, dermen of the faid city, to be holden within fix weeks after the order of the acknowledging such recognizance, or at the next court of con-court, fervacy to be held for the county in which such offence shall be committed, and to stand to and abide such order as shall be made in the premisses by such court, then the goods so distrained shall be returned to the party or parties from whom the same the diffress is were taken; and the faid court of mayor and aldermen, or court to be returnof conservacy, is hereby impowered and directed upon a peti- and the court tion of appeal presented to them, by the party or parties so con- to hear and victed, complaining of such conviction, to appoint a time for determine the hearing and determining the matter of fuch appeal, and there- fuch appeal. upon to cause notice to be given to the parties, and to summon witnesses to attend at the time so appointed, and then to examine

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fuch witnesses upon oath, and finally to hear and determine the matter of fuch appeal or complaint, and make fuch order therein, as to such court shall seem meet; and the said courts reand to mitigate the pespectively shall, and they are hereby impowered to order all or naities, or any of the penalties laid on or incurred by any of the parties vacate the complaining, to be mitigated, or to vacate or fet aside such conconviction, or viction or convictions, or otherwise to ratify and confirm the confirm the fame with fame, and at their discretion to award such reasonable costs to be coits; paid by the appellant, as to them shall seem meet; and the said and on forcourt of mayor and aldermen, or court of conservacy, may, on feiture of recognizance, to forfeiture of any such recognizance, estreat the same into his estreat the Majesty's court of exchequer, there to be proceeded upon and fame into the executed in the same manner, as estreats returned to the said exchequer. court of exchequer, from any court of confervacy held by the faid mayor of the faid city.

> XII. And be it further enacted by the authority aforefaid, That the mayor, recorder, or any alderman or justice before whom any person shall be convicted in manner prescribed by this act, shall cause such respective conviction to be drawn up

in the form, or to the effect following; that is to fay,

Form of conviction.

To wit. DE it remembered, That on this day of in the year of his Majesty's reign, A. B. is convicted before me, one of bis Majesty's justices of the peace for the city or county of (as the case shall happen to be) for (here let forth the offence) and I do adjudge him to pay and forfeit for the same the sum of

> Given under my hand and seal, the day and year afore aid.

on parchment, and transmitted to the court to be filed;

to be written And the said mayor, recorder, alderman or justice before whom such conviction shall be had, shall cause the same so drawn up in the form aforesaid, to be fairly written upon parchment, and transmitted to the court of mayor and aldermen, or court of conservacy, to be filed and kept amongst the records of the said court, to which the same shall be transmitted; and in case any person or persons so convicted shall appeal from the judgment of the faid mayor, recorder, or any alderman or justice as aforefaid, to the faid court of mayor and aldermen, or court of confervacy, the faid court of mayor and aldermen, or court of confervacy, is hereby required upon receiving the faid conviction, drawn up in the form aforesaid, to proceed to the hearing and determination of the matter of the faid appeal, according to the directions of this act; any law or usage to the contrary notwithstanding.

Conviction, or other proceedings of

XIII. And be it further enacted by the authority aforesaid, That no writ of certiorari, or other writ or process for removal of any fuch conviction, or any proceedings thereon. into any

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of his Majesty's courts of record at Westminster, shall be allowed the court, not

or granted.

XIV. And it is hereby further enacted, That in case any per- If the offender fon, against whom a warrant shall be issued by the said mayor, escape out of recorder, or any alderman, or justice of the peace, either before the jurisdiction or after conviction as aforesaid, for any offence against this act, of the person shallescape, go into, reside, or be in any other county, riding, divisir warrant aon, city, liberty, town or place out of the jurisdiction of such person gainst him, granting such warrant or warrants as aforesaid; or if the goods or if his goods and chattels of any offender convicted of any offence in purble in a different county, riding division rent county, fuance of this act, shall be in a different county, riding, division, &c. city, liberty, town or place, than where the faid party was convicted, or the warrant of diffress granted; it shall and may be any justice of lawful for the faid mayor, recorder, or any alderman as aforefaid, the peace, &c. or any justice of the peace of the county, riding, division, city, may indorse liberty, town or place into which such person shall escape either the warrant, liberty, town or place into which such person shall escape either before or after conviction, or where his goods and chattels shall be, after such conviction; and they and every of them are hereby required, upon proof made upon oath of the hand writing of the faid mayor, recorder, alderman or justice granting such warrant or warrants, to indorse his or their name or names on such warrant; and the same, when so indorsed, shall be a sufficient and peace offiauthority to all peace officers to execute such warrant in such cerexecute the other county, riding, division, city, town or place out of the ju- same; risdiction of the person granting the said warrant; and the said mayor, recorder, aldermen and justices respectively, or any one and the offenof them, as the case shall happen, after indorsing the said warrant, der may be may, on the offender or offenders being apprehended and brought justice, before the faid mayor, recorder, aldermen or justices, or any one or remanded of them, within their respective jurisdictions, proceed to hear and back to be tridetermine the complaint, in the same manner as if it had origi- ed by the pernally arose within their respective jurisdictions, or may direct the fon granting offender to be carried to the person who granted the said warrant, to be dealt with according to law.

XV. Provided always, and it is hereby enacted and declared, Rights and pri
That nothing in this act contained shall extend or enure to precity of Lonjudice or derogate from the rights, privileges, franchises or au- don, and of thority of the city of London, or any rights, privileges or authority the mayor and exercised by the mayor of the said city for the time being, as con-corporation, servator as aforesaid; or to prohibit, defeat, alter or diminish reserved. any power, authority or jurisdiction, which at the time of making this act, the mayor commonalty and citizens of London, or the mayor of the city of London, as conservator of the said river of Thames and waters of Medway, did or might lawfully claim, use or exercise; and further, That it shall and may be lawful to and The mayor, for the faid mayor of the faid city for the time being, in like man- as contervator, ner as he hath used to do in other cases, to inquire of, hear and may try by determine, by presentment or indictment taken before him as or indictment, conservator of the faid river and waters, all unlawful and undue all unlawful fishing, and taking and destroying fish, and all other offences and undue contrary to fuch rules, orders and ordinances as shall be made fishing, and o-

removeable by certiorari.

TOL

ther offences contrary to the rules, and fines,

to be applied as penalties inflicted by the court of conferva: y.

Limitation of actions.

Double cofts.

Publick act.

Act 24 G. 2. ed to magifirates acting

and no action is isluable against an officer. till, notice be given him thereof;

by the faid court of mayor and aldermen, and allowed and approved of as aforesaid; and upon conviction of any such offenimpose suitable der or offenders, to impose a fine on him, her or them for the faid offence, not exceeding the penalties which shall be inflicted in and by the said rules, orders or ordinances; and which fine or fines, when levied and recovered, shall be applied and distributed in like manner as the penalties inflicted by the faid court of conservacy have been usually applied and distributed; but no person shall be punished twice for one and the same offence.

XVI. And be it further enacted by the authority aforesaid, That all actions, suits and informations, which shall be commenced and profecuted against any person or persons for any thing which he, she or they shall do, or cause to be done in pursuance of this act, shall be commenced, sued or prosecuted within fix months next after the cause of action shall accrue; and all fuch persons against whom any such actions, suits or informations shall be commenced, sued or prosecuted, shall and General issue. may plead the general issue, and give this act and the special matter in evidence; and if in any such suit, the plaintiff or profecutor shall become nonsuit, or shall forbear prosecution, or discontinue his suit; or if a verdict shall pass, or judgment shall be given against him upon a demurrer, then, and in any such case, the defendant or defendants shall recover double costs, for which he or they shall have like remedy, as when costs by law are awarded; and this act shall be taken and allowed in all courts within this kingdom as a publick act; and all judges and justices are hereby required to take notice thereof as such, without the fame being specially pleaded.

XVII. And be it further enacted by the authority aforesaid, c. 44. extend- That the statute made in the twenty fourth year of his present Majesty's reign, intituled, An act for the rendering justices of the under this act; peace more Safe in the execution of their office; and for indemnifying constables and others, acting in obedience to their warrant, so far as the faid act relates to the rendering justices of the peace more safe in the execution of their office, shall extend, and be construed to extend, to the mayor, recorder and every alderman of the faid city of London, and to every justice and justices of the peace, acting under the authority or in the execution of this act; and no action or fuit shall be had or commenced against, nor any writ fued out, or copy of writ served upon the said water bailiff, his affiftant or affiftants, or any other officer or officers, for any thing done in the execution of this act, until notice in writing shall have been given to him or them, or left at his or their usual place of abode, by the attorney for the party commencing fuch action, or fuing out fuch writ, one month before the commencing such action, or suing out or serving the copy of the faid writ; which faid notice in writing thall contain the name and place of abode of the person who is to bring such action, together with the cause of action or complaint; and the name and place of abode of the said attorney, shall be under wrote or indorsed thereon; and the faid water bailiff, his affiftant or affiftants, and

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the faid other officer or officers shall be at liberty, and may, by and he may virtue of this act, at any time within one calendar month after tender amends fuch notice, tender or cause to be tendered any sum or sums of complained of, money, as amends for the injury complained of to the party complaining, or to the faid attorney; and if the fame is not ac- and plead the cepted, the defendant or defendants in such action or actions same, &c. or may plead fuch tender in bar of fuch action or actions, together anyother pleas with the general iffue, or any other plea, with leave of the court; action; and if upon iffue joined upon fuch tender, the jury shall find the amends tendered to have been sufficient, the said jury shall find a verdict for the defendant or defendants; and in such case, or if the plaintiff shall become nonsuit, or discontinue his action; or if judgment thall be given for the defendant or defendants upon and upon a demurrer, the defendant or defendants shall be intitled to double double costs. costs; and if the jury shall find that no such tender was made, or that the amends tendered were not sufficient; and also shall Plaintiff recofind against the defendant or defendants, on such other plea or vering, intitled pleas by them pleaded, the faid jury shall find a verdict for the to damages plaintiff, and such damages as they shall think proper; for which and costs of the faid plaintiff shall have judgment, together with his costs of

XVIII. Saving always to the King's most excellent majesty, Reservation of his heirs and fuccessors, and all bodies politick and corporate, accustomable and to the high court of admiralty, and all other courts and per- rights and prifons, all fines, forfeitures, penalties, amerciaments, and wreck vileges, to the of fe, which of right have been referved and become due and all bodies popayable to the faid courts and persons respectively, for and in litick and correspect of the said fishery or drudging, or otherwise, and all porate, and orights, titles, estates, jurisdictions, privileges or franchises what- ther persons. foever, in as full and ample a manner as the same were or have been, before the making of this act; and also all such right, title, interest, claim, privilege and conservation, and inquiry and punishment of and for the offences aforesaid, as they or any of them lawfully have and enjoy, or of right ought to have and enjoy, by any manner of means; any thing in this act to the contrary notwithstanding.

XIX. Provided always, and be it enacted by the authority Refervation of aforesaid, That this act, or any thing herein contained, shall rights to the not extend, or be construed to extend to prejudice or derogate admiralties of from any of the rights of the admiralties or vice-admiralties of Kent and Ef-Kent or Effex, or any piscaries or fishings belonging to or apper- fex, Piscaries, taining to the faid city of London, or any other city or town corporate, or any lords of manors, proprietors, owners or occupiers of any rivers, creeks, streams or fisheries adjacent to or within any part of the faid limits, or to the rights of any other person or persons within the limits aforefaid.

XX. Provided also, That nothing in this act contained shall Places and extend, or be construed to extend, to any fisherman or drudger- persons exman who now do or shall hereafter inhabit or dwell in any of the empted from cinque ports or their members, or in the city of Rochester, or the jurisdiction of this act. towns or places of Strood, Chatham, Frindsbury, Gillingham, Mil-

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ton, Queenborough, Feversham, Whitstaple or the places adjacent, but that such fishermen and drudgermen shall and may use and exercise their trades of fishing and drudging, and selling, in as full and ample manner as they have heretofore lawfully done, to all intents and purposes as if this act had never been made.

Fishermen not liable to take out licences, or pay any graty of fishing,

XXI. Provided always, and it is hereby further enacted, That nothing herein contained shall extend or be construed to extend to impower or authorize the faid mayor, court of mayor tuity for liber. and aldermen, the water bailiff, or any other person whatsoever, to grant any licence or licences, or to make any rules, orders or ordinances whereby any licence or licences shall be required to be taken by any fisherman, drudgerman or other person, for going out to fish, fishing, drudging, or taking fish in any manner of way, or whereby any gratuities, rewards or compensations, under any pretence or denomination whatfoever, shall be paid or payable by any fisherman, drudgerman or other such person, to the water bailiff, or his fuccessors, or to any other person or persons; or whereby any fuch fisherman, drudgerman or other such person and enter their shall be obliged to appear before the said mayor, water bailiff or other person, to enter his or their several name or names, in any register or other book, or whereby any such fisherman, drudgerman or other person as aforesaid, shall be limited or restrained from keeping any number of boys in any one boat, as such fisherman, drudgerman, or other person shall judge proper; any thing in the said act of the ninth year of her late majesty Queen Anne, or any other statute, law, custom or usage to the contrary in any wife notwithstanding.

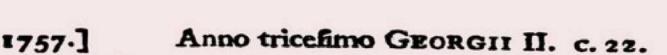
or to appear names,

or to be reftrained from keeping any number of poys.

CAP. XXII.

An all to explain and amend an all made in the eighteenth year of bis present Majesty's reign, to prevent the mishebaviour of the driver's of carts in the streets in London, Westminster, and the limits of the weekly bills of mortality; and for other purposes in this att mentioned.

18G. 2. C. 32. WHEREAS by an act made and paffed in the eighteenth year of his present Majesty's reign, intituled. An act to repeal a clause in an act made in the third year of the reign of King William and Queen Mary, relating to carts used by persons inhabiting within the limits of the weekly bills of mortality; and to allow fuch carts to be drawn with three horses; and to prevent the misbehaviour of the drivers of carts in streets within the faid limits; therein reciting (amongst other things) that great inconveniencies had arisen from the irregular behaviour of carmen, draymen and other persons driving carts, drays and other carriages within the cities of London and Westminster, and suburbs thereof, the borough of Southwark, and other streets within the bills of mortality, by their misusing and hindering the passage of his Majesty's subjects through the faid streets and highways, and committing other disorders of the like kind; for remedy whereof it was thereby enacted, That from and after the twenty ninth day of September one thousand seven bundred and



and forty five, no person or persons what soever should drive any cart, car or dray of any kind what soever, within the limits aforesaid, unless the master or owner of such cart, car or dray, should place upon some conspicuous part of such cart, car or dray the name of the owner of such cart, car or dray, and the number of fuch cart, car or dray so belonging unto him, in order that the driver of such cart, car or dray might the more easily be convicted for any disorder or misbehaviour committed by bim as aforesaid; and it was thereby further enacted, That every owner of such cart, car or dray residing within the limits aforesaid, should enter his name and place of abode with the commissioners for licenfing backney coaches, for which entry he should pay the sum of one shilling and no more; and the said commissioners were thereby required to receive and register such entry as aforesaid; and it was thereby also enacted, That in case any person or persons should drive any such eart, car, or dray, within the limits aforesaid, not marked, numbered and entered as before directed, every such person so offending should forfeit the sum of forty shillings, and it should be lawful for any person or persons to seize and detain the cart, car or dray, or any of the borses drawing the same, and them to detain until such penalty should be paid: And whereas no provision is made by the faid act, to whom the money forfeited shall go and be paid, or to sell the cart, car, dray or horse as shall be seized in pursuance of the said att, to raise the forty shillings forfeited; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That one moiety of the money Application of which shall be forfeited by the driver of any cart, car or dray, the forfeiture. which shall be forfeited by the driver of any cart, car or dray, under the faid act, shall go and be paid to the person or persons who shall apprehend and prosecute to conviction any offender or offenders against the said act; and that the other moiety thereof shall go and be paid to the overseers of the poor, if there shall be any, of the parish or place in which the offence shall be committed; and if there shall be no overseers in such parish or place, then to some other officer of such parish or place, for the use of the poor of such parish or place; and if the offender or offenders, ment within on being convicted of any offence against the said act, before 24 hours, diany justice of the peace within his jurisdiction, shall not, within stress may be the space of twenty four hours after any such conviction, pay sold. the forty shillings forfeited, then the same shall be raised by sale of the cart, car, dray or horse which shall be seized; and every justice of the peace within his jurisdiction, is hereby authorized and required to issue his warrant under his hand and seal, directed to the constable, or some other peace officer of the parish or place in which the cart, car, dray or horse seized shall be, to cause sale to be made thereof with all convenient speed, for raising the money which shall be forfeited for any such offence or offences as aforefaid; rendering to the offender or offenders the Overplus to be overplus, (if any there shall be) after deducting the charges of returned, after the fale of any fuch cart, car, dray or horse, and also the expences deducting all the party or parties who shall have made the seizure shall be at charges. by detaining or housing thereof, or keeping any horse seized,

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until fale shall be made thereof in pursuance of this act, or the

money forfeited shall be paid.

On changing the property, new owner's name to be affixed on the cart,

and to be entered; and in default thereof;

Offender to forfeit 40%

and the cart and horse may be seized and fold.

11. And be it further enacted by the authority aforesaid, That every time the property of any cart, car or dray, which is or shall be entered with the faid commissioners for licensing hackney coaches in pursuance of the said recited or this present act, shall be altered, the new owner or owners thereof shall, from time to time, within feven days next after he, the or they shall become owner or owners thereof, cause the name or names of the former owner or owners thereof to be taken off from every such cart, car or dray, and the name or names of the new and real owner or owners thereof to be put or painted in large and legible characters upon some conspicuous part thereof, and also to be entered with the faid commissioners for licensing hackney coaches; and if any omission shall be made in doing thereof, and any person shall drive any such cart, car or dray within the limits aforesaid, not having the name or names of the real owner or owners thereof painted or put thereon, in some conspicuous part thereof, and also entered with the said commissioners for licensing hackney coaches as herein before is directed, every fuch person so offending in the premisses, shall forfeit for every such offence the sum of forty shillings on being thereof convicted, either by his own confession, or by the oath of one or more credible witness or witnesses, before any justice of the peace of the county, city, division or place where any such offence shall be committed; and the said moiety so forfeited, shall go and be applied in like manner as the forty shillings forfeited for any offence committed against the said herein before recited act is hereby directed to go and be applied; and every such cart, car and dray, and any horse drawing the same, is and are hereby subjected and made liable to be seized by any person or persons, and also to be sold, to raise and answer the money which shall be forfeited in pursuance of this act, together with the reasonable charges of every such sale, and of housing the cart, car or dray which shall be seized under this act, and keeping the horse which shall be also seized under this act, until sale shall be made thereof, or the money forfeited shall be paid.

III. And whereas some doubt hath been made whether the justices of the peace of the city of London are authorized to ascertain at their general or quarter sessions of the peace in London, the rates or prices of goods taken up in London, and carried for hire out of London into the city of Westminster, and other places contiguous to London, by the carts, cars or carrooms licensed to work in London, and to compel persons who shall work any such carts, cars or carrooms licensed to work in London, to carry goods from any parts of the said city of London into the said city of Westminster, and other parts adjacent to London; and to enforce payment to the carmen for their labour and carriage of goods, according to the rates or prices which shall be set or ascertained at the said general or quarter sessions of the peace in London, and by reason thereof many inconveniencies have happened to merchants and others; be it therefore further enacted by the authority aforesaid, That the

justices of the peace for the said city of London, for the time be- Justices of the ing, shall have power and authority, and they are hereby enjoined city to affect and required at the next general fessions of the peace which shall annually the be holden for the said city of London after the twenty fourth day riage of goods, of June one thousand seven hundred and fifty seven, and so afterwards at the general sessions of the peace which shall be holden for the said city of London next after the twenty fourth day of June in every year, as occasion shall require, to assess and rate reasonable rates and prices for the carriage of all goods taken up in the said city of London, and carried by any such licensed carts, cars or carrooms, as well in the faid city of London as from the faid city of London into the faid city of Westminster, or any other place or places not exceeding the distance of three miles from the faid city of London; and to make, frame and fet down and to make in writing such reasonable rules, orders and ordinances for go-rules for reguverning and regulating such carts, cars and carrooms, and the lating carts drivers thereof, and to compel payment for carriage of goods and drivers, by fuch licensed carts, cars or carrooms, according to the rates ment of their or prices which shall be rated, affessed or set at any such sessions fare, of the peace in London as aforesaid; and to annex reasonable pe- and to annex nalties for breach of any such rules, orders or ordinances, not penalties for exceeding five pounds for any one offence, as to the major part breach of orof the justices at any such sessions of the peace in Lordon assembled shall seem meet; and such rules, orders and ordinances, they may also or any of them, from time to time, at any other such sessions of alter and athe peace as aforesaid in London, to alter and amend; and such mend the new or other rules, orders and ordinances, touching the matters same, or make aforesaid, with such reasonable penalties and forfeitures (not ex- new orders. ceeding five pounds for any one offence) to make, as to the

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this act in execution. IV. Provided nevertheless, and be it enacted by the authority The said rules aforesaid, That all such rules, orders and ordinances, so to be to be printed from time to time made at any such sessions of the peace in and published.

London shall, within thirty days after the making the same, be printed and affixed up in some publick places of the said city of London, and be otherwise made publick, in such manner as the faid justices at their general or quarter sessions of the peace shall

major part of the justices at any such sessions of the peace assembled shall, from time to time, seem meet, for the better putting

think proper, and from time to time order.

V. And whereas his Majesty's subjects are frequently interrupted and hindered passing on their lawful occasions in the publick streets, lanes and open passinges in the cities of London and Westminster, and within the weckly bills of mortality, by empty pipes, butts, barrels, casks and other veffels, and also by empty carts, cars, dravs or other carriages, standing or being placed there, and by other obstructions; Persons wilfor remedy whereof, be it further enacted by the authority afore-fully obstructfaid, That no persons, after the said twenty fourth day of June, shall ing the passage wilfully obstruct the passing and repassing of his Majesty's sub- of the streets, jects in any such publick streets, lanes or open passages within &c. with emp-the limits herein before mentioned, or put or set any empty &c. with emp-

pipes,

except while on their proper stands,

or taking up, or fetting down, a fare,

liable to forfeit, not exceeding 208. nor less than 56. or to be committed.

carts to ply for hire in the ffreets here mentioned.

nor to ftop there longer a fare,

pipes, butts, barrels, casks or any other vessels in any such publick ftreets, lanes or open passages within the limits aforesaid, (except for fuch reasonable time only as shall be necessary for the carrying or removing thereof to or from any house, warehouse, cellar, vault or other place, or for the trimming thereof) or fet or place any empty cart, car, dray or other carriage in any fuch publick street, lane or open passage within the limits aforesaid, except only during fuch reasonable time as any such cart, car or other carriage plying for hire shall be plying for hire, in the place or places appointed or to be appointed for the standing thereof so to ply for hire, by the perfons authorized to appoint such the standings thereof, and except during fuch reasonable time as any such cart, car, dray or other carriage shall be waiting in any such publick street, lane or open passage to load or unload goods or commodities, or to take up or fet down a fare; and that every person offending in any of the cases aforesaid, and being convicted of any such offence, either by his own confession, or by the oath of one or more credible witness or witnesses, before any justice of the peace of the county, city, division or place where any such offence shall be committed, shall for every such offence forfeit any sum not exceeding twenty shillings, and not less than the sum of five shillings; or shall be committed to the house of correction, or fome other prison of the county, city, liberty, division or place in which the offence shall be committed, or the offender shall have been apprehended, there to remain and be kept to hard labour for any time not exceeding one calendar month, as any fuch justice shall think fit and order.

VI. And whereas the passage from Westminster bridge into the city of Westminster is greatly obstructed, and rendered unsafe, by the constant stand of hackney coaches and other carriages, plying for bire near the faid bridge; be it therefore further enacted by the authority aforesaid, That no hackney coachman, carman, or No coaches or other person or persons, shall, from and after the said twenty fourth day of June, ply for hire with any hackney coach, cart. or other wheel carriage, in Bridge Street, Parliament Street, Great George Street, St. Margaret's Street, or Abingdon Street, in the city of IVestminster, or any of the said streets; or stop or stay in any of the faid streets with any such coach, cart, or other wheel carriage, any longer time than shall be reasonable for such up or fet down coachman, carman, or other person, having the care of any wheel carriage, to wait to take up or fet down his fare, or to load and unload goods or other commodities; and that every coachman, carman, or other person, having the care of any fuch wheel carriage, offending in any of the cases aforesaid, and being convicted of any such offence, either by his own confesfion, or by the oath of one or more credible witness or witnesses before any justice of the peace for the city and liberty of Westminster, which oath such justice is hereby impowered and reon forfeiture quired to administer, shall, for every such offence, forfeit any of a fum not fum not exceeding twenty shillings, and not less than five shilexceeding 205. lings; or shall be committed to the house of correction in West-

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minster, there to remain and be kept to hard labour for any time nor less than not exceeding one calendar month, as any such justice shall 58. or being think fit and order.

VII. And be it further enacted by the authority aforesaid, Driver of any That if the driver of any carriage whatfoever in the faid cities of carriage, ob-London or Westminster, or in any publick street or common high- structing the ways within the faid weekly bills of mortality, shall by negli- passage in any gence or wilful misbehaviour prevent, hinder or interrupt the within the bills free passage of his Majesty's subjects, in any of the publick of mortality, streets in London or Westminster, or in any publick streets or common highways within the faid weekly bills of mortality, every fuch driver being convicted thereof, either by his own confesfion, or by the oath of one or more credible witness or witnesses before any justice of the county, city, division, liberty or place wherein any fuch offence shall be committed, and which oath every such justice is hereby impowered to administer, shall for every such offence forfeit any sum not exceeding twenty shillings; or shall be committed to the house of correction, or some forfeits any other prison of the county, city, liberty, division or place in sum not exwhich the offence shall have been committed, or the offender ceeding 20 %. shall have been apprehended, there to be kept to hard labour, or may be for any time not exceeding one calendar month, as any fuch justice shall think fit and order.

VIII. And for preventing obstructions in all the publick highways 20 s. penalty of this kingdom; be it enacted by the authority aforesaid, That of obstructing if any person, after the twenty fourth day of Yung one that the passage of if any person, after the twenty fourth day of June one thou- any of the fand seven hundred and fifty seven, shall set, place or leave, any highways by empty waggon, cart, or any other carriage, in any publick high- empty wagway within this kingdom, so as in any manner to interrupt or gons, &c. exhinder the free passage of any other carriage, or of his Majesty's they are loadsubjects, except only during such reasonable time as such wag- ing or unloadgon, cart or carriage shall be loading or unloading, every person ing, so offending, and being convicted of such offence, either by his own confession, or by the oath of one or more credible witness or witnesses, before any justice of the peace for the county, riding, division, city or place where such offence shall be committed, which oath such justice is hereby impowered and required to administer; shall, for every such offence forfeit and pay any sum to be levied by not exceeding twenty shillings, to be levied by distress and sale distress and of the offender's goods and chattels, by warrant under the hand fale; and feal of any justice of the peace; and for want of sufficient di- and for want Ares, such justice is hereby impowered and required to commit of distress, offuch offender to the house of correction, or some other prison of fender to the the county, riding, division, city or place in which the offence committed. shall be committed, or the offender shall have been apprehended, there to remain and be kept to hard labour for any time

not exceeding one calendar month. IX. And be it further enacted by the authority aforesaid, 20% penalty That if after the said twenty fourth day of June, the driver of on driver riany waggon, cart, car, dray or other carriage, on any publick ding on his highway, shall ride upon any such carriage, not having some cart, &c. with-

duct it, damage; the pallage; or being empway for coaches, &cc. or loaded carriages;

out some other other person on foot or on horseback to guide the same (such person to con- carriages as are respectively drawn by one horse only, or by two or cauting any horses abreast, and are conducted by some person holding the reins of fuch horse or horses, excepted) or if the driver of any or obstructing carriage whatsoever on any of the said highways, shall by negligence or misbehaviour cause any hurt or damage to any person ty, not giving passing or being upon such highway; or shall by negligence or wilful misbehaviour, prevent, hinder or interrupt the free passage of any other carriage, or of his Majesty's subjects on the said highways; or if the driver of any empty or unloaded waggon, cart or other carriage, shall refuse or neglect to turn aside and make way for any coach, chariot, chaife, loaded waggon, cart, or other loaded carriage; every such driver offending in any of the cases aforesaid, and being convicted of such offence, either by his own confession, or by the oath of one or more credible witness or witnesses, before any justice of the peace of the county, riding, division or place where such offence shall be committed (which oath such justice is hereby impowered and required to belevied by to administer) shall for every such offence, forfeit any sum not exceeding twenty thillings, to be levied by diffress and fale of the offender's goods and chattels, by warrant under the hand ftress, offender and seal of any justice of the peace; and for want of sufficient to be commit- distress, such justice is hereby impowered and required to commit fuch offender to the house of correction, or some other prison of the county, riding, division or place in which the offence shall be committed, or the offender shall have been apprehended, there to remain and be kept to hard labour, for any time not exceeding one month.

Application of offences on the highways.

ditress and fale; and for

want of di-

ted.

X. And be it further enacted by the authority aforesaid, That forfeitures for all penalties and forfeitures for offences against this act on the publick highways, shall be applied, one moiety to the informer, and the other moiety to the surveyor or surveyors of the highways in the parish wherein such offence shall be committed, to be by fuch furveyor or furveyors applied in the repair of the highways within fuch respective parish.

Offender being apprehended, not discovermg his name

XI. And be it further enacted by the authority aforesaid, That if any person who shall be apprehended for having committed any offence against this act, shall refuse to discover his and abode, to name and place of abode, to the justice or justices before whom be committed, he shall be brought, such person so refusing shall be immediately delivered over to a constable or other peace officer, and shall by him be conveyed to the common gaol, or house of correction, of the county or place where the offence shall be committed, there to remain until he shall declare his name and place of abode to the faid justice, or to some other justice of the said county or place.

Pecuniary forfeitures, not levied by diftress and fale

XII. And be it further enacted by the authority aforesaid, That the pecuniary forfeitures by this act incurred, and for lebefore provid- vying whereof no provision is herein before made, shall and may be levied by diffress and sale of the goods and chattels of every fuch offender (rendring to him the overplus, after the charges

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III

of the distress and sale shall be deducted) by warrant under the of the offend. hand and seal of the justice before whom the offender was con- er's goods. victed; and one moiety of all which pecuniary forfeitures, Application whereof the application is not herein before directed, shall be thereof. paid to the person or persons who shall prosecute to conviction any offender or offenders against this act; and the other moiety thereof shall be paid to the overseers of the poor, if there shall be any, of the parish or place in which the offence shall be committed, or the offender shall have been apprehended; and if there shall be no overseers in such parish or place, then to some other officer of such parish or place, for the use of the poor

of such parish or place.

XIII. And be it further enacted by the authority aforesaid, Offenders may That any person or persons who shall see any of the offences herein be apprehendbefore mentioned, and intended by this act to be redressed, com- ed by any permitted, shall and may by the authority of this act, and without offence comany other warrant, apprehend the offender or offenders, and mitted. shall with all convenient speed then afterwards convey or deliver every such offender and offenders to a constable, or some other peace officer of the county, city or place in which the offence shall be committed, or the offender shall be apprehended, in order to be conveyed before some justice of the peace of such county, city or place, there to be dealt with according to law.

XIV. And be it further enacted by the authority aforesaid, Inhabitants of That in all actions, fuits, trials, and other proceedings in pursu- the place ance of this act, or in relation to any matter or thing herein where any ofcontained, any inhabitant of the parish, town or place in which fence shall be any offence or offences shall be committed, contrary to the true deemed legal intent and meaning of this art. intent and meaning of this act, or the faid herein before recited witnesses. act, shall be admitted to give evidence, and shall be deemed a competent witness, notwithstanding his, her or their being an inhabitant of the parish or place in which any such offence or

offences thall have been committed. XV. And be it further enacted by the authority aforesaid, Offenders pu-That no person, who by virtue of this act shall be punished for nithed under any offence or offences by him, her or them committed, shall this act, not be punished for the same offence or offences under any other law punishable for or statute; and that if any action or suit shall be commenced tence by any against any person or persons for any thing done in pursuance of other. this act, the defendant or defendants in any such action or suit, may plead the general issue, and give this act and the special matter in evidence, at any trial to be had thereupon, and that General Mue. the same was done in pursuance and by the authority of this act; and if it shall appear so to have been done, a verdict shall be recorded for the defendant or defendants; and if the plaintiff shall be nonsuited, or discontinue his action, after the defendant or defendants shall have appeared; or if judgment shall be given upon any verdict or demurrer against the plaintiff, the defendant or defendants shall and may recover double costs, and Double costs, have the like remedy for the same, as any defendant or defend-

One million

fray extraor-

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His Majesty by warrant

under his fign

manual may

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1757. ants hath or have in other cases by law for recovery of his or their cofts.

CAP. XXIII.

An all for enabling his Majesty to raise the sum of one million, for the uses and purposes therein mentioned.

Most gracious Sovereign,

TE your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament affembled, having taken into our serious consideration your Majesty's most gracious message, signifying your Majesty's desire to be enabled by your faithful commons, to defray any extraordinary expences of the war, incurred or to be incurred, for the service of the year one thousand seven hundred and fifty seven, and to take all such measures as may be necessary to distippoint or defeat any enterprizes or designs of your Majesty's enemies, and as the exigency of affairs may require, have resolved to give and granted to his grant to your Majesty the sum of one million for that purpose; and do Majesty to de- therefore most humbly beseech your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and confent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for the King's most excellent majesty, by warrant or warrants under his royal fign manual, to authorize and impower the commissioners of his Majesty's treasury now or for the time being, treasurytotake or any three or more of them, or the lord high treasurer for the time being, at any time or times before the fifth day of January one thousand seven hundred and fifty eight, to cause or direct any loans to be taken or received at his Majesty's exchequer, from any person or persons, natives or foreigners, body or bodies politick or corporate; or any number of exchequer bills to be made out there, for any fum or fums of money, not exceeding in loans and exchequer bills together, in the whole, the faid are to be taken fum of one million, in the same or like manner, form and order, and according to the same or like rules and directions, as in and by an act of this present session of parliament, intituled, An act act of this feffor granting an aid to his Majesty by a land tax to he raised in Great Britain for the service of the year one thousand seven hundred and fifty seven; and for discharging certain arrears of land taxes incurred before the time therein mentioned; and for the more effectual collecting of arrears for the future, are enacted and prescribed concerning the loans or exchequer bills to be taken or made in pursuance of the faid act.

Clauses, &c. in the faid act relating to loans or exchequer bills therein, exas thall be

II. And be it further enacted by the authority aforesaid, That all and every the clauses, provisoes, powers, privileges, advantages, penalties, forfeitures and disablities, contained in the said last-mentioned act relating to the loans or exchequer bills authorized to be made by the same act (except such clauses as do tended to fuch charge the same on the taxes granted by the same act) shall be applied and extended to the loans and exchequer bills to be made

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in pursuance of this act, as fully and effectually to all intents made in purand purposes, as if the same loans or exchequer bills had been surned of this originally authorized by the said last mentioned ast or as if the originally authorized by the faid last-mentioned act, or as if the said several clauses or provisoes had been particularly repeated

and re enacted in the body of this act. III. And be it declared and further enacted by the authority The bank imaforesaid, That it shall and may be lawful for the governor and powered to company of the bank of England, to advance or lend to his lend his Maje-Majesty, in like manner, at the receipt of the exchequer, upon fum, on the the credit of loan granted by this act, any fum or fums of mo- credit of this ney not exceeding in the whole, the fum of one million; any act, thing in an act made in the fifth and fixth years of the reign of notwithstand-King William and Queen Mary, intituled, An act for granting to ing act 5 & 6 their Majesties several rates and duties when towns as 6 hits and act w. & M. their Majesties several rates and duties upon tonnage of ships and ves-Jels, and upon beer, ale, and other liquors, for securing certain recompences and advantages in the said act mentioned, to such persons as shall voluntarily advance the sum of one million five hundred thousand pounds towards carrying on the war against France, to the con-

trary thereof in any wife notwithstanding.

IV. And be it further enacted by the authority aforesaid, Loans, with That all such loans or exchequer bills, together with the interest, the interest, to premium, rate and charges incident to or attending the same, be paid out shall be and are hereby charged and chargeable upon, and shall supplies; he repaid or borne by or out of the first aids or supplies which shall be granted in the next session of parliament; and in case and if none fufficient aids or supplies for that purpose shall not be granted shall be grantbefore the fifth day of July one thousand seven hundred and fifty ed before 5 eight, then all the said loans or exchequer bills, with the inte-out of the rest, premium, rate and charges incident to or attending the finking fund; fame, shall be and are hereby charged and chargeable upon such monies, as at any time or times, at or after the faid fifth day of July one thousand seven hundred and fifty eight, shall be or remain in the receipt of the exchequer, of the furplusses, excesses, overplus monies, and other revenues, composing the fund commonly called The finking fund, except fuch monies of the faid finking fund as are appropriated to any particular use or uses by any act or acts of parliament in that behalf; and fuch monies of the faid finking fund thall and may be iffued and applied, as foon as the same can be regularly stated and ascertained, for and towards paying off, cancelling and discharging such loans orexchequer bills, interest, premium, rate or charges, until the whole of them shall be paid off, cancelled and discharged, or money sufficient for that purposé be kept and reserved in the exchequer, to be payable on demand to the respective proprietors thereof.

V. Provided always, and be it enacted by the authority afore- and the mofaid, That whatever monies shall be so issued out of the said nies issued to surplusses, excesses, overplus monies, or other revenues combe replaced out of the sirst poling the finking fund, shall from time to time be replaced by supplies. and out of the first supplies to be then after granted in parliament; any thing herein contained to the contrary notwith-

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CAP. XXIV.

An att for the more effectual punishment of persons who shall attain, or attempt to attain, possession of goods or money, by false or untrue pretences; for preventing the unlawful pawning of goods; for the easy redemption of goods paroned; and for preventing gaming in publick bouses by journeymen, labourers, servants and apprentices.

THEREAS divers evil-disposed persons, to support their profligate way of life, have by various subtle stratagems, threats and devices, fraudulently obtained divers sums of money, goods, wares and merchandizes, to the great injury of industrious families, and to the manifest prejudice of trade and credit; therefore for the punishing all such offenders, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament affembled, and by the authority of the same, That from and after the twenty ninth day of September one thousand seven hundred and fifty feven, all persons who knowingly and designedly, by taining money false pretence or pretences, shall obtain from any person or perfons, money, goods, wares or merchandizes, with intent to cheat or defraud any person or persons of the same; or shall knowingly fend or deliver any letter or writing, with or without a name or names subscribed thereto, or signed with a fictitious name or names, letter or letters, threatning to accuse any perfon of any crime punishable by law with death, transportation, pillory, or any other infamous punishment, with a view or intent to extort or gain money, goods, wares or merchandizes from the person or persons so threatened to be accused, shall be deemed offenders against law and the publick peace; and the nished by fine court before whom such offender or offenders shall be tried, shall in case he, she or they shall be convicted of any of the said offences, order such offender or offenders to be fined and imping or trans- prisoned, or to be put in the pillory, or publickly whipped, or to be transported, as soon as conveniently may be (according to the laws made for transportation of felons) to some of his Majesty's colonies or plantations in America, for the term of seven years, as the court in which any fuch offender or offenders shall be convicted shall think fit and order.

II. And be it further enacted by the authority aforesaid, That any justice or justices of the peace of the county, riding, division, city, liberty or place, before whom any person or persons charged on oath, by any credible person or persons, with having committed any of the offences intended by this act to be punished, shall be brought, shall examine by oath (which oath every such justice or justices is and are hereby impowered and required to administer) and such other lawful means as to any such justice or justices shall seem meet, touching the matters complained of, over the com- and deal with the offender or offenders according to law; and if plainant, toap. the party or parties charged as being the offender or offenders, thell

Persons convicted of obor goods by false pretences, or of tending threatening letters in order to extort money or goods,

may be puand imprilonment, or by pillory, whipportation.

Where a charge is made of any of the faid offences, justice to enquire therein upon oath,

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be committed to prison, or be admitted to bail, to answer the pear and promatters complained of at the next general or quarter fellions of fecute; the peace, or next fessions of Oyer and Terminer, which shall be held for the county, riding, division, city, liberty or place wherein the offence shall be charged, on oath, to have been committed, then such justice or justices shall bind over the profecutor and profecutors of every such offender or offenders to appear at the next general or quarter sessions of the peace, or next lessions of Oyer and Terminer which shall be held for the county, riding, division, city, liberty or place wherein the offence shall be charged to have been committed, by recognizance, in such reasonable sum of money as to such justice or justices shall seem requifite, to profecute such offender and offenders with effect; and if any money, goods, wares or merchandizes fraudulently and his recogobtained, shall appear to such justice or justices to exceed the nizance to be amount or value of twenty pounds, then the recognizance to be in proportion taken in that behalf from the profecutor or profecutors, shall be in not less than double the amount or value the same shall appear

before any fuch justice or justices to be worth.

III. And whereas divers of his Majesty's Subjects Suffer great inconveniencies and frequent losses, by persons pawning or unlawfully disposing of the goods and chattels of others, and the persons so pawning or unlawfully disposing of the goods or chattels of others, from the meanness of their circumstances, are seldom able to make restitution or recompence to the parties injured, and the laws now in being are insufficient to punish such offenders; be it therefore further enacted by the authority aforesaid, That from and after the said twenty Penalty of 205. ninth day of September one thousand seven hundred and fifty on pawning, feven, if any person or persons shall knowingly and designedly exchanging, pawn or exchange, or unlawfully dispose of the goods or chat- of goods withtels of any other person or persons, not being employed or au- out leave of thorized by the owner or owners thereof fo to do, and shall be the owner; thereof convicted by the oath of any credible witness or witnessfes, or by the confession of the person or persons charged with with fuch offence, before any fuch justice or justices of the peace as aforesaid (which oath every such justice as aforesaid is hereby impowered and required to administer) every such offender shall, and on nonfor every such offence, forfeit the sum of twenty shillings; and payment, to in case the said forfeiture shall not be forthwith paid, the justice be committed or justices of the peace as aforesaid, before whom such conviction for 14 days to or justices of the peace as aforesaid, before whom such conviction hard labour, shall be had, shall commit the party or parties so convicted to the house of correction, or some other publick prison of the county, riding, div sion, city or place wherein the offender or offenders shall reside or be convicted, there to remain and be kept to hard labour for the space of fourteen days, unless the faid forfeiture shall be sooner paid; and if within three days be- and if not paid fore the expiration of the faid fourteen days, the faid forfeiture within that shall not be paid, the said justice or justices is and are hereby whipped, on required to order, upon the application of the profesuror or pro- application of fecutors, the person or persons so convicted to be publickly the prosecuwhipped in the house of correction or prison to which the of- tor.

1 2

fender

fender or offenders shall be committed, or in some open publick place of the city, riding, division, town or place wherein the offence shall have been committed, as to such justice or justices Application of shall seem proper; and the said respective forfeitures when re-

the torfeitures covered, thall be applied towards making fatisfaction thereout to the party or parties injured, and defraying the costs of the profecution, as thall be adjudged reasonable by the justice or justices before whom such conviction shall be had; but if the party or parties injured shall decline to accept of such satisfaction and costs; or if there shall be any overplus of the said respective forfeitures, after making such satisfaction, and paying such costs as aforesaid, then such respective forfeitures, or the overplus thereof (as the case shall happen) shall be paid and applied to and for the use of the poor of the parish or place where the offence shall have been committed, and shall be paid to the over-

twenty ninth day of September one thousand seven hundred and

feers of the poor of fuch parish for that purpose. IV. And be it further enacted by the authority aforesaid, to make entry That all and every person and persons who, from and after the

Pawnbroker of goods pawned, pledged or exchanged,

fifty seven, shall take by way of pawn, pledge or exchange, of or from any person or persons whomsoever, any goods or chattels, of what kind soever the same shall be, shall forthwith enter or cause to be entered, in a fair or regular manner, in a book or books to be kept for that purpose, a description of the goods or chattels which he, she or they shall receive in pawn, pledge or exchange; and also the sum of money advanced or paid thereon, with the day of the month and year on which, and the name and place of abode of the person or persons by whom such goods or chattels were so pawned, pledged or exchanged, and also the name and place of abode of the owner or owners thereof, according to the information of the person pawning or pledging, or exchanging the same; and shall at the same time give a duplicate or copy thereof to the person or persons so

cate, if required, to be given thereof to the pawner, upon paying for the lame.

and a dupli-

king kich entry, and giving fuch du-

pawn, pledge or exchange fuch goods or chattels, the fum of one half-penny, on goods and chattels pawned for less than twenty shillings; and one penny on goods or chattels pawned for twenty shillings, and not exceeding five pounds, and for every fuch duplicate upon goods or chattels pawned for any larger sum, the sum of two pence, and no more; and in de-Penalty 51. on fault of making such entry, and giving such duplicate or copy, default of ma- if required as aforesaid, he, she or they shall respectively for every offence forfeit the fum of five pounds, to be levied by dif-

tress and sale of the goods and chattels of the offender or offen-

ders, by warrant under the hand and feal, or hands and feals of any justice or justices of the peace of the county, riding, division, city, liberty or place where the offence shall be committed; which respective sorfeitures when levied, shall be paid

pawning, pledging or exchanging the faid goods or chattels, if

required; for which the person or persons giving such duplicate

or copy, shall be paid by the person or persons who shall so

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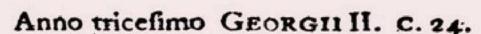
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and applied to the use of the poor of the parish or place wherein the offence shall be committed.

V. And whereas it sometimes happens that the goods or chattels pledged and pawned as aforesaid, are spoiled and damaged, or rendered of less value than when the same were pledged or pawned, through the neglect, default, or misbehaviour of the person or persons to whom the same were so pledged or paroned, his, her or their agents or servants, either by wearing or using thereof, or by letting the same out to bire; be it therefore enacted by the authority aforesaid, That if in the course of any of the aforesaid proceedings, be- Where goods fore any justice or justices of the peace, in pursuance of, or un- pawned shall der this act, it shall appear or be proved to the satisfaction of thro neglect the justice or justices upon oath or solemn affirmation as afore- of the pawnlaid, that any of the goods or chattels so pawned as aforesaid, broker, are become or have been rendered of less value than the same were at the time of pawning or pledging thereof, by or through the default, neglect, or wilful misbehaviour of the person or perions to whom the same were so pledged or pawned, his, her or their executors, administrators or assigns, agents or servants, then, and in any fuch case, it shall be lawful, and every such justice or justices is and are hereby required to allow or award a reasonable satisfaction to the owner or owners of such goods or chattels, in respect of such damage; and the sum or sums of money so allowed or awarded shall be deducted out of the principal and interest, and allowance for warehouse-room, which shall appear to be due to any person or persons, to whom the same were so pledged or pawned, his, her or their executors, administrators or assigns; and in all cases where the goods and chattels pawned as aforesaid, shall have been damaged as aforelaid, it shall be sufficient for the pawner or pawners, his, her or their executors, administrators or assigns, to pay or tender the money upon the balance, after deducting out of the principal and interest, and money payable for warehouse-room as aforefaid, for the goods or chattels pawned, such reasonable latilfaction in respect to such damage, as any such justice or justices shall order or award; and upon so doing, the justice or justices shall proceed as if the pawner or pawners, his, her or their executors, administrators or assigns, had paid or tendered the whole money due for the principal, interest, and warehouseroom as aforelaid.

be damaged

VI. And be it enacted by the authority aforefaid, That from Persons buyand after the faid twenty ninth day of September one thousand ing or taking feven hundred and fifty seven, if any person or persons thall in pledge, liknowingly buy or take in as a pledge, any linen or apparel, nen or appare intrusted to any other person or persons to wash, scour, iron, to others to mend or make up, and shall be convicted of the same, on the wash or mend, oath of one credible witness, or on confession of the party, be- &c. fore one or more justice or justices, every such person or perfons shall forfeit double the sum given for or lent on the same, to forfeit to be paid to the poor of the parish where the offence is com-double the mitted, to be recovered in the manner other forfeitures are by fum, this



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oath,

this act directed to be recovered; and shall likewise be obliged and restore the to restore the said goods to the owner in the presence of the faid goods. justice or justices.

Persons offering goods to fale, pawn or exchange, not giving a good account of themselves,

ed before a justice.

Juffice, may commit the party.

The persons detaining the party and goods, indem. nified for fo doing.

VII. And be it further enacted by the authority aforesaid, That in case any person or persons, who shall offer by way of pawn, pledge, exchange or fale, any goods or chattels, shall not be able, or shall refuse, to give a satisfactory account of himself, herself or themselves, or of the means by which he, she or they, became possessed of fuch goods or chattels; or if there shall be any other reason to suspect that such goods or chattels are stolen, or otherwise illegally or clandestinely obtained; it may be detain- shall and may be lawful for any person or persons, his, her or ed, and carri- their fervants or agents, to whom fuch goods or chattels shall be so offered, to seize and detain such person or persons, and the faid goods or chattels, and to deliver such person or persons, as foon as conveniently may be, into the custody of the conftable, or other peace officer, who shall, and is hereby required, immediately to convey such person or persons, and the said goods or chattels, before some justice or justices of the peace of the county, riding, division, city, liberty or place, wherein the offence shall be committed; and if such justice or justices shall, upon examination and enquiry, have cause to suspect that the faid goods or chattels were stolen, or illegally or clandestinely obtained, it shall and may be lawful for such justice or justices to commit fuch person or persons into safe custody, for any time not exceeding the space of fix days, in order to be further examined; and if upon either of the faid examinations, it shall appear to the fatisfaction of fuch justice or justices, that the said goods or chattels were stolen, or illegally or clandestinely obtained, the faid justice or justices is and are hereby authorized and required to commit the party or parties offending to the common gaol or house of correction of the county, riding, division, city, liberty or place, wherein the offence shall be committed, there to be dealt with according to law.

VIII. Provided nevertheless, and be it further enacted, That in case such goods or chattels so seized and detained as aforefaid, shall afterwards appear to be the property of the person or persons who offered the same to be pawned, pledged, exchanged or fold, or that he, she or they, was or were authorized by the owner or owners thereof to pawn, pledge, exchange, or fell the fame, then and in fuch case, the person or persons who shall so seize or detain the party or parties who offered the said goods or chattels, shall be, and he, she and they, is and are by this act indemnified for having so done.

IX. And, for the better enabling all persons to recover their goods or chattels, which after the faid twenty ninth day of September one thousand seven hundred and fifty seven, shall be unlawfully pawned or pledged to, or exchanged with, any person or persons what sever; be it further enacted by the authority aforesaid, That if the owner or owners of any goods or chattels, unlawfully pawned, owner, to iffue pledged or exchanged, shall make out, either on his, her or their

Juffice, upon oath of the

oath, or by the oath of any credible witness, or (being one of a warrant to the people called Quakers) by solemn affirmation before any just- search the susthe people called Sunkers) by loledin annuation of officering pected per-tice or justices of the peace, within his or their jurisdiction, that fon's house. fuch owner or owners, has or have had, his, her or their goods and chattels unlawfully obtained or taken from him, her or them, and that there is just cause to suspect that any person or persons, within the jurisdiction of any such justice or justices hath or have knowingly and unlawfully taken to pawn, or by way of pledge, or in exchange, any goods or chattels of such owner or owners, and without the privity of, or authority from fuch owner or owners thereof; and shall make appear to the satisfaction of any fuch justice or justices, probable grounds for fuch the suspicion of the owner or owners thereof, then and in any fuch case, any justice or justices of the peace, within his or their jurisdiction, may issue his or their warrant for karching, in the day-time, the house, warehouse or other place, of any such perfon or persons, who shall be charged on oath or affirmation, as aforesaid, as suspected to have knowingly and unlawfully received or taken to pawn, or by way of pledge, or in exchange, any fuch goods or chattels, without the privity of, or authority from the owner or owners thereof; and if the occupier or occupiers of any house, warehouse or other place, wherein any Upon refusal fuch goods or chattels shall, on oath or affirmation as aforesaid, of admittance he charged or suspected to be, shall after the said twenty ninth officer may day of September one thousand seven hundred and fifty seven, break open on request made to him, her or them, to open the same, by any the door. peace officer authorized to search there, by warrant from a justice or justices of the peace, for the county, riding, division, city, liberty, town or place, in which fuch house, warehouse or other place shall be situate, refuse to open the same, and permit the same to be searched, it shall be lawful for any such peace officer to break open any such house, warehouse or other place, in the day-time, and to fearch as he shall think fit therein, for the goods or chattels suspected to be there, doing no wilful dam-Persons hinder and dering such age; and if any person or persons shall oppose or hinder any search, forfeit such search, and shall be thereof convicted before any such jus- 51. tice or justices, by the oath of one or more credible witness or witnesses, every person so offending in the premisses shall forfeit for every fuch offence the sum of five pounds; and in case such and on non-forseiture be not immediately paid down, or within the space of payment, are twenty four hours, the justice or justices, before whom such to be comconviction shall be had, shall commit the party or parties so mitted to hard convicted to the house of correction, or some other publick labour. prison of such county, riding, division, city, liberty, town or place, there to be kept to hard labour for any time not exceeding one month, nor less than five days, unless in the mean time fuch forfeiture shall be paid; and such forfeiture, when recoyered, shall forthwith go and be applied to and for the use of the poor of the parish wherein such offence shall have been committed; and if upon the fearch of the house, warehouse, or other The goods place, of any such suspected person or persons, as aforesaid, any found to be replace, of any such suspected person or persons, as aforesaid, any stored to the of owner.



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of the goods or chattels which shall have been so knowingly and unlawfully pawned, pledged or exchanged, as aforefaid, shall be found, and the property of the owner or owners from whom the same shall have been unlawfully obtained or taken, shall be made out, to the satisfaction of any such justice or justices, by the oath of one or more credible witness or witnesses, or (if any such witness or witnesses be of the people called Quakers) by solemn affirmation, or by the confession of the person or persons charged with any such offence, any such justice or justices shall thereupon cause the goods and chattels found on any such search, and unlawfully pawned, pledged or exchanged, as aforefaid, to be forthwith restored to the owner or owners thereof.

X. And whereas goods and chattels are often pawned or pledged

for securing the payment of money lent thereon, and the interest thereof; and although when the money becomes due, the borrowers, or their

made on oath, by one or more credible witness or witnesses, or by producing a duplicate of the entry directed to be given by this act as aforesaid, before any such justice or justices, or by solemn affirmation (if the person be of the people called Quakers) to

representatives, are desirous to repay the same, and the interest due thereon, and make tender thereof to the person or persons with whom the same are so pawned or pledged, they are frequently under great difficulties to get back the goods and chattels so pained, and are often under necessity to commence suits at law for the recovery thereof, to their great expence; for remedy whereof, be it enacted by the authority aforesaid, That from and after the said twenty ninth day of September one thousand seven hundred and fifty seven, if any goods or chattels shall be pawned or pledged for securing any money lent thereon, not exceeding in the whole the principal within 2 years. fum of ten pounds, and the interest thereof; and if within two years after the pawning or pledging thereof, proof having been

Goods pawn ed for a fum not exceeding rol. may be recovered

> the fatisfaction of any fuch justice or justices, of the pawning or pledging of any fuch goods or chattels within the faid space of two years, any fuch pawner or pawners who was or were the real owner or owners of fuch goods or chattels at the time of the pawning or pledging thereof, his, her or their executors, administrators or assigns, shall tender unto the person or persons who lent on the security of the goods or chattels pawned, his executors, administrators or assigns, the principal money borrowed thereon, and all interest due for the same, together with fuch charges for the warehouse-room of the goods or chattels pawned, as shall be agreed on at the time of the pawning of fuch goods and chattels; and the person who took such goods or chattels in pawn, his executors, administrators or alligns, shall thereupon neglect or refuse to deliver back the goods or chattels so pawned, for any sum or sums of money not exceeding the faid principal sum of ten pounds, to the person or perfons who borrowed the money thereon, his, her or their executors, administrators or assigns; then and in any such case, on oath, or (if the person or persons be of the people called Quakers

Tuffice, on complaint of pawnbroker



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Quakers) on solemn affirmation thereof made by the pawner or refusing to depawners thereof, his, her or their executors, administrators or liver goods to affigns, or some other credible person, any justice or justices of summon and the peace of the county, riding, division, city, liberty or place, parties; where the person or persons who took such pawn as aforesaid, his executors, administrators or assigns, shall dwell on the application of the borrower or borrowers, his, her or their executors, administrators or assigns, is and are hereby required to cause such person or persons who took such pawn, his, her or their executors, administrators or assigns, within the jurisdiction of the justice or justices, to come before such justice or justices; and such justice or justices is and are hereby authorized and required to examine on oath, or folemn affirmation, as the cale may require, the parties themselves, and such other credible persons as shall appear before him or them, touching the premisses; and if tender of the principal money due, and all and proof beinterest thereof, together with charges for warehouse-room, ing made of as aforesaid, shall be proved by oath or affirmation, as aforesaid, payment of to have been made, such principal money not exceeding the faid the principal, fum of ten pounds, to the lender or lenders thereof, his, her interest and or their executors, administrators or assigns, by the borrower charges; or borrowers of fuch principal money, his, her or their executors. administrators or assigns, within the said space of two years after or tender bethe faid pawning or pledging of the goods or chattels, then on ing then also payment by the borrower or borrowers, his, her or their exe- made, and cutors, administrators or assigns, of such principal money, and refused; the interest due thereon, together with such charges for warehouse-room of the goods or chattels so pawned or pledged as aforefaid, to the lender or lenders, his, her or their executors, administrators or assigns; and in case the lender or lenders, his, Justice to her or their executors, administrators or assigns, shall refuse to make an order accept thereof, on tender thereof to him, her or them made, for the immeby the borrower or borrowers thereof, his, her or their execu- of the goods, tors, administrators or assigns, before any such justice or justices, fuch justice or justices shall thereupon, by order under his hand, or their hands, direct the goods or chattels so pawned, forthwith to be delivered up to the pawner or pawners thereof, his, her or their executors, administrators or assigns: and it the person or persons on refusal, to who shall have lent any principal sum or sums of money, not commit the exceeding in the whole the faid fum of ten pounds, on any pawnbroker goods or chattels pawned, his, her or their executors, admini- till satisfaction strators or aifigns, thail neglect or refuse to deliver up or make be made. fatisfaction for the goods or chattels, which shall be proved to the fatisfaction of fuch justice or justices as aforesaid, to have been so pawned, as any such justice or justices of the peace, as aforesaid, shall order and direct, then any such justice or justices shall, and is and are hereby authorized and required to commit the party or parties so refusing to deliver up or make satisfaction for the same, to the house of correction, or some other publick prison of the county, riding, division, city or place, wherein the offender or offenders shall reside, or be convicted;

there to remain without bail or mainprize, until he, the or they, shall deliver up the goods or chattels so pawned, and continuing redeemable, as aforefaid, according to the order of such said justice or justices, or make satisfaction or compensation for the value thereof, to the party or parties intitled to the redemption of fuch goods or chattels to pawned, and continuing redeemable as atorefaid.

Goods remaining unredeemed for 2 years, are forfeited, and may be fold;

Entry to be made of fale of goods pawned for 2 Lor upwards.

Overplus arifing from the fale, to be paid on demand, to the owner;

On refufal of inspection,

or the goods being fold for tered, &c.

XI. And be it further enacted by the authority aforesaid, That if any pawn or pledge of goods or chattels, of what kind foever, made by or for the proprietor or proprietors thereof, shall remain unredeemed for the space of two years, then every such pawn or pledge shall be forfeited; and it shall and may be lawful to and for every such person or persons, to whom such goods or chattels have been pawned or pledged, to fell the same; any law, statute, custom or usage, to the contrary thereof notwith-Overplus to be standing; subject nevertheless to account for the overplus, if accounted for. any shall be, of the produce of all fuch goods or chattels which have been pledged for two pounds and upwards, as by this act is directed.

XII. Provided always, and be it further enacted by the authority aforesaid, That every person or persons to whom any goods or chattels shall have been pawned or pledged, shall from time to time enter in a book or books to be kept for that purpose, a true and just account of the sale of all goods and chattels pawned to him, her or them, for two pounds, or upwards, which shall be fold by any such person or persons, expressing the day when, the money for which, and the name and place of abode of the person to whom, such goods or effects pawned were fold; and in case any such goods or effects shall be sold for more than the principal money, with interest, and the charge of warehouse-room, as aforesaid, due thereon at the time of such fale, the overplus shall by every such person or persons be paid on demand to the person by or on whose account such goods or chattels were pawned, his, her ortheir executors, administrators or assigns; and fuch person or persons who pawned or pledged such goods or chattels, his, her or their executors, administrators or assigns, shall, for his, her or their satisfaction in this matter, be permitted to inspect the entry to be made as atoresaid of every such fale, paying for such inspection the sum of one penny, and no more; and in case any person or persons shall retule to permit any fuch person or persons, who pawned or pledged such goods or chattels, to inspect such entry as aforesaid in any such book or books, fuch person or persons, if an executor or executors, administrator or administrators, or assignee or assignees, at such time producing his, her or their letters testamentary, letters of administration or assignment; or in case the goods or effects were fold for more than the fum entered in any fuch book or more than en- books; or if any fuch person or persons shall not make such entry, or shall not have bona fide sold the goods or chattels pawned for the best price that he, she or they might have reasonably had or got for the same, without his, her or their wilful default;



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or shall refuse to pay such overplus, for the same, without his, her or their wilful default, or shall refuse to pay such overplus, upon demand, to the pawner or pawners, his, her or their executors, administrators or affigns; he or they producing such their letters telamentary, letters of administration or assignment, every such person or persons so offending shall for every such offence forseit treble Pawnbroker to forseit trethe value of fuch goods and chattels to the person or persons by ble the value. whom, or on whose account, such goods or chattels were pawned, his, her or their executors, administrators or assigns, to be recovered by action of debt, bill, plaint or information, in any of his Majesty's courts of record at Westminster.

XIII. Provided always, and be it further enacted by the authority aforefaid, That no fee or gratuity whatsoever shall be Summonses had, taken or received, for any summons or summonses, war- and warrants rant or warrants, granted by any justice or justices of the peace, without fee. in pursuance of this act, so far as the same relates to goods and chattels pawned, pledged, taken in exchange, or unlawfully dif-

posed of.

XIV. And whereas the occupiers of many licensed publick houses, and of other houses wherein wines and liquors are sold, frequently fuffer gaming therein, and journeyman, labourers, servants and apprentices, by means of such gaming therein, not only mis-spend their time, but are often reduced to poverty and great distress; be it there- publicans fore further enacted by the authority aforesaid, That from and permitting after the faid twenty ninth day of September one thousand seven journeymen, hundred and fifty seven, if any person or persons licensed to sell &c. to game any forts of liquors, or who shall sell, or suffer the same to be fold, in his, her or their house or houses, or in any outhouses, ground or apartments thereto belonging, shall knowingly suffer any gaming with cards, dice, draughts, shuffle boards, mississippi or billiard tables, skittles, nine pins, or with any other implement of gaming, in his, her or their houses, outhouses, ground or apartments thereto belonging, by any fuch journeymen, labourers, servants or apprentices: and shall be convicted of the faid offence on their own confession, or on the oaths of one or more credible witness or witnesses, before any justice or justices of the peace for the county, riding, division, city, liberty or place, wherein the offence shall be committed, within fix days after any such offence shall be committed, he, she or they so offending, shall for every such offence forfeit and pay the forfeit 40s. fum of forty shillings; and for every like offence which he, she or they shall afterwards be convicted of, before any such justice or justices of the peace, he, she or they so offending, shall for and for every subsequent of feit the sum of ten pounds; all which sums of money, so for- fence, sol. feited, shall be levied by distress and sale of the offenders goods to be levied and chattels, by warrant from the justice or justices before whom by distress fuch offender or offenders shall be convicted; and which war- and sale. rant every fuch justice or justices is and are hereby required and authorized to grant; and three fourths of all sums which shall be so forfeited shall, on the recovery thereof, be paid to the churchwardens of the parish in which the offence shall be commited, for the use of the poor of such parish; and the other

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fourth part thereof shall be paid to the person or persons on whose information the party or parties offending shall have been convicted of the offence.

of journeymen &c. gaming in publick to iffue his them,

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who upon to forfeit nor exceeding 208. nor less than 55.

Offender not paying the forfeiture, to be committed to hard labour.

Justice, upon complaint, to Mue his waring the oftenders before him,

XV. And be it further enacted by the authority aforesaid, On complaint That from and after the faid twenty ninth day of September one thousand seven hundred and fifty seven, if any journeyman, labourer, apprentice or fervant, shall game in any house, outhouses, justice house, ground or apartments thereto belonging, wherein any liquors shall be sold, and complaint thereof shall be made on apprehending oath before any justice or justices of the peace for the county, riding, division, city, liberty or place, where the offence shall have been committed, every such justice or justices shall thereupon issue his or their warrant to some constable, tythingman, headborough or other peace officer of the parish, precinct or place, wherein the offence shall be charged to have been committed, or where the offender shall reside, to apprehend and carry every such offender before some justice or justices of the peace acting for the county, riding, division, city, liberty or place, where the offence shall be committed, or where the offender shall reside; and if the person who shall be apprehended conviction, are shall be convicted of the said offence by the oath of one or more credible witness or witnesses, or on his own confession, every such offender shall forfeit any sum not exceeding twenty shillings, nor less than five shillings, as the justice or justices before whom any fuch offender or offenders shall be convicted shall think fit and order, every time he shall so offend, and be convicted as aforesaid; and one fourth of all such money so forfeited shall, on the conviction of any such offender or offenders, be paid to the person or persons on whose information the party or parties offending shall be convicted, and the other three fourths thereof shall be applied for the use of the poor of the parish wherein the offence shall have been committed, and shall be paid to the overseers of the poor of such parish for that purpose; and if the party who shall be convicted of the offence last-mentioned, shall not forthwith pay down the said sum so forfeited by him, any fuch justice or justices shall, by warrant under his hand, or their hands, commit every such offender to the house of correction, or some other prison, of the county, riding, division, city, liberty or place, in which he shall be apprehended; there to remain and be kept to hard labour for any time not exceeding the space of one month, or until he shall pay the fum of money fo forfeited.

XVI. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any justice or justices of the peace of any county, riding, division, city, liberty, town rant for bring- or place, and he and they is and are hereby required, upon complaint made to him upon oath of any offence committed against this act, within the same county, riding, division, city, liberty, town or place, to issue his warrant for bringing before him, or some other justice or justices of the peace of any county, riding, division, city, liberty, town or place, the person or persons charged



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charged with such offence, and the justice or justices before whom such person or persons shall be brought, is hereby authorized and required to hear and determine the matter of every fuch complaint, and to proceed to judgment and conviction thereupon, as by this act is directed; and if it shall appear by oath of any credible person or persons, to the satisfaction of any fuch justice or justices, that any person or persons within the jurisdiction of such justice or justices can give or offer material evidence on behalf of the profecutor, against any offender or offenders against the true intent and meaning of this act, or on behalf of the perfon accused, and who will not voluntarily appear before such justice or justices to be examined, and give his, her or their evidence, concerning the premisses; every such justice or justices and may sumis and are hereby authorized and required to iffue his or their mon witnesses. fummons to convene every fuch person or persons within his or their jurisdiction before him or them, to be examined upon oath concerning the premisses; and if any person so summoned shall neglect or refuse to appear on such summons, and no just excuse shall be offered for such neglect or refusal, then, (after proof by oath of fuch summons having been duly served upon him, her or them for that purpose) any such justice or justices is and are hereby authorized and required to issue his or their warrant to bring every fuch witness and witnesses, within his or their jurisdiction, before him or them; and on the appearance of any such witness before any such justice or justices, any such justice or justices is and are hereby authorized and impowered to examine upon oath every fuch witness; and if any and if the fuch witness, on his or her appearance, or being brought before witness refuses any fuch justice or justices, shall refuse to be examined on oath to give eviconcerning the premisses, without offering any just cause for be committed fuch refusal, it shall be lawful for any such justice or justices, by to hard la. warrant under his or their hand and seal, or hands and seals, bour. to commit every person so refusing to the publick prison of the county, riding, division, city or place, in which the perfon or persons so refusing to be examined on oath, shall be brought before any such justice or justices, there to remain for any time not exceeding three months, as any fuch justice or justices shall direct; and if, on such examination, any such ju- Material witflice or justices shall deem the evidence of any such witness or ness may be witnesses to be material, any such justice or justices may bind bound over to over any fuch witness, unless a feme covert, or one under the give evidence age of twenty one years, by recognizance, in a reasonable pe- before court. nalty, to appear and give evidence at the next general or quarter sessions of the peace, or sessions of Oyer and Terminer, as in fuch recognizance shall be mentioned.

XVII. And be it further enacted by the authority aforesaid, Offenders not That no persons charged on oath with being guilty of any of to be admitthe offences punishable by this act, and which shall require bail, ted to bail, shall be admitted to bail before twenty four hours notice, at till due notice has been given least, shall be proved by oath to have been given in writing to to the protethe profecutor, of the names and places of abode of the persons cutor, &c. proposed to be bail for any such offender or offenders, unless the

Offender to

unless the

the trial.

be tried at the next fession,

court put off

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bail offered shall be well known to the justice or justices, and he and they shall approve of them; and every such offender and offenders who shall be bound over to the general quarter sessions of the peace, or gaol delivery of the county, city or town wherein the offence charged on him shall have been committed, to answer any such offences punishable by this act, shall be tried at such general quarter sessions of the peace, or sessions of Oyer and Terminer and gaol delivery which shall be held next after his, her or their being apprehended, unless the court shall think fit to put off the trial on just cause made out to

Inhabitants where the oftence is com witnesies.

XVIII. Provided always, and be it enacted by the authority aforesaid, That in all actions, suits, trials and other proceedings in pursuance of this act, or in relation to any matter or ed competent thing herein contained, any inhabitant of the parish, town or place, in which any offence or offences shall be committed, contrary to the true intent and meaning of this act, shall be admitted to give evidence, and shall be deemed a competent witness, notwithstanding his, her or their being an inhabitant or inhabitants of the parish, town or place wherein any such offence or offences shall have been committed.

Conviction to be drawn up ing form;

XIX. And be it further enacted by the authority aforefaid, That the justice or justices before whom any person shall be in the follow- convicted, in manner prescribed by this act, shall cause such respective conviction to be drawn up in the form or to the effect following; that is to fay,

> Towit. { BE it remembered, That on this day of year of his Majesty's reign, A. B. is convicted before of his Majesty's justices of the peace, for the said county riding or or for the or for the division of the Said county of (as the cafe shall city, liberty or town of and the faid happen to be) for do adjudge him or ber to pay and forfeit for the same, the Jum of

> > Given under and year aforefaid.

the day

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and to be written on parchment, and transmitted to the quarter felfions to be filed.

And the faid justice or justices, before whom such conviction shall be had, shall cause the same so drawn up, in the form aforesaid, to be fairly written upon parchment, and transmitted to the next general quarter fession of the peace so held for the county, riding, division, city, town, liberty or place wherein fuch conviction was had, to be filed and kept amongst the records of the faid general or quarter fessions; and in case any Justices at the person or persons so convicted, shall appeal from the judgment tions to deter. of the faid justice or justices, to the faid general or quarter fefmine appeals, sions, the justices in such general or quarter sessions are hereby

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required upon receiving the faid conviction, drawn up in the form aforefaid, to proceed to the hearing and determination of the matter of the faid appeal, according to the directions of this act; any law or usage to the contrary notwithstanding.

XX. And be it further enacted by the authority aforesaid, conviction not Indictment or That no Certierari shall be granted to remove any indictment, removeable by conviction or other proceedings had thereon in pursuance of Certiorari.

this act.

XXI. Provided always, and it is hereby further enacted by Appeal may the authority aforesaid, That if any person convicted of any of- be made to the fences punishable by this act, shall think him or herself ag-quarter selgrieved by the judgment of the justice or justices before whom he or the shall have been convicted, such persons shall have liberty to appeal to the justices at the next general or quarter seffions of the peace which shall be held for the county, riding, division, city, liberty, town or place, where such judgment shall have been given; and that the execution of the faid judgment and execution shall, in such case, be suspended, the person so convicted enter- respited, the ing into a recognizance at the time of such conviction, with two party enterfufficient fureties, in double the fum which fuch person shall cognizance to have been adjudged to pay or forfeit, upon conviction to profe- profecute the cute fuch appeal with effect, and to be forth coming, to abide appeal. the judgment and determination of the justices in their said next general or quarter fessions; which recognizance the said justice or justices before whom such conviction shall be had, is hereby impowered and required to take; and the justices in the said ge- Justices to deneral or quarter sessions are hereby authorized and required to termine the hear and finally determine the matter of the faid appeal, and appeal, and to award fuch costs as to them shall appear just and reasonable award costs.
to be paid by either party; and if, upon the hearing of the said of the judgappeal, the judgment of the justice or justices before whom the ment, appelappellant shall have been convicted, shall be affirmed, such ap-lant to pay pellant shall immediately pay the sum which he or she shall have the fine and been adjudged to forfeit, together with fuch costs as the justices costs. in the said general or quarter sessions shall award to be paid, for defraying the expences sustained by the defendant or defendants in fuch appeal; or in default of making fuch payments, shall fuffer the respective pains and penalties by this act inflicted upon persons respectively, who shall neglect to pay, or shall not pay the respective sums or forfeitures by this act to be paid by, or imposed upon, persons respectively, who shall be convicted by virtue of this act.

XXII. And be it further enacted by the authority aforesaid, None to be That no person, who, by virtue of this act, shall be punished punished a sefor any offence or offences by him, her or them committed, the same ofshall be punished for the same offence or offences, under any tence. other law or statute; and that if any action or suit shall be commenced against any person or persons for any thing done in purfuance of this act, the defendant or defendants in any fuch action or fuit, may plead the general iffue, and give this act and General iffue. the special matter in evidence, at any trial to be had thereupon,

and that the same was done in pursuance and by the authority of this act; and if it shall appear so to have been done, or a verdict shall be recorded for the defendant or defendants: and if the plaintiff shall be nonsuited or discontinue his action, after the defendant or defendants shall have appeared; or if judgment shall be given upon any verdict or demurrer against the plaintiff, the defendant or defendants shall and may recover double costs, and have the like remedy for the same, as any defendant or defendants hath or have in other cases by law, for re-

Double costs.

Clause in act 24 G. 2. C. 44. extended to under this act.

Notice to be officer, before commencing fuit against hun.

Tender of amends may be made by him,

and pleaded in bar of the action.

If none, or in- and their costs; and if the jury shall find that no such tender fufficient ten- was made, or that the amends tendered were not sufficient, and der has been made, plaintiff, upon a verdict, to recover.

her or their full costs.

covery of his or their costs. XXIII. And be it further enacted by the authority aforefaid, That the statute made in the twenty fourth year of his present Majesty's reign, intituled, An act for the rendering the justices of justices acting the peace more safe in the execution of their office, and for indemnifying constables and others acting in obedience to their warrant, so far as the faid act relates to the rendering the justices more fafe in the execution of their office, shall extend and be construed to extend to the justice or justices of the peace acting under the authority or in execution of this act; and no action or fuit shall be had given to peace or commenced against, or writ issued out, or copy of writ served upon any peace officer or officers, for any thing done in the execution of this act, until notice in writing shall have been given to him or them, or left at his or their usual place of abode, by the attorney for the party commencing such action, or suing out or ferving the copy of the faid writ; which faid notice in writing shall contain the name and place of abode of the person who is to bring such action, together with the cause of action or complaint; and the name and place of abode of the faid attorney shall be under-wrote or indorsed thereon; and any peace officer or officers shall be at liberty, and may by virtue of this act, at any time within fourteen days after fuch notice, tender or cause to be tendered any sum or sums of money, as amends for the injury complained of, to the party complaining, or to the faid attorney; and if the same is not accepted of, the detendant or defendants, in such action or actions, may plead fuch tender in bar of fuch action or actions, together with the general issue, or any other plea, with leave of the court; and if upon iffue joined upon fuch tender, the jury shall find the amends tendered to have been sufficient, the said jury shall find a verdict for the defendant or defendants; and in such case, or if the plaintiff shall become nonsuit or discontinue his action, or if judgment thall be given for the defendant or detendants upon demurrer, the defendant or defendants shall be intitled to his

also shall find against the defendant or defendants on such other

plea or pleas by them pleaded, the faid jury shall give a verdict

for the plaintiff, and such damages as they shall think proper,

for which the plaintiff shall have judgment, together with his,

CAP. XXV.

An ad for the better ordering of the militia forces in the several counties of that part of Great Britain called England.

WHEREAS a well-ordered and well-disciplined militia is es-Sentially necessary to the safety, peace and prosperity of this kingdom: and whereas the laws now in being for the regulation of The King to the militia are defective and ineffectual; be it enacted by the iffue forth let-King's most excellent majesty, by and with the advice and con-ters of lieutefent of the lords spiritual and temporal and commons in parliament respective affembled, That from and after the first day of May one thousand se- counties. ven hundred and fifty seven, his Majesty, his heirs and successors, may and shall issue forth commissions of lieutenancy for the respective counties, ridings and places herein after mentioned; and the respective lieutenants thereby appointed shall have full The lieutepower and authority to call together all fuch persons, and to arm nants to assemand array them at fuch times and in fuch manner as is herein ble and arm after expressed; and such respective lieutenants shall from time the militia. to time constitute and appoint such persons as they shall think fit, qualified as is herein after directed, and living within their respective counties, ridings and places, to be their deputy lieutenants; the names of fuch persons having been first presented to and approved by his Majesty, his heirs or successors; and shall give commissions to a proper number of colonels, lieutenant colonels, majors and other officers, also qualified as is herein after directed to train and discipline the persons so to be armed and arrayed, according to the rules, orders and directions herein after provided; and shall certify to his Majesty, his heirs and fuccessors, the names of such commission officers, within one month after they shall be so appointed, and shall have accepted their respective commissions.

II. Provided always, and be it enacted, That nothing herein contained shall be construed to vacate any commission of lieu- Commissions of tenancy already granted by his Majesty, nor any deputations heutenancyand granted to deputy lieutenants; but that the same shall continue deputations in full force and vigour for the purposes of this act, so as the ed to stand faid deputy lieutenants be qualified as is herein after directed.

III. And be it enacted, That his Majesty's lieutenant of every county, riding or place shall have the chief command of the Lieutenants to militia thereof, which shall be raised by virtue of this act; and have the chief in every county, riding or place in England and Wales (except the militia. as is herein after excepted) there shall be appointed twenty or Number of demore deputy lieutenants, if so many persons, qualified as is herein puty lieutebefore and after expressed, can be therein found; and if twenty nants in each persons so qualified cannot be therein found, then there is county. persons so qualified cannot be therein found, then there shall be appointed to many persons as can be therein found; and each person so to be appointed a deputy lieutenant or colonel, Vol. XXII.

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nant or colonel to have

Deputy lieute shall be seised or possessed, either in law or equity, for his own use and benefit, in possession of a freehold, copyhold or customary 400l. per ann. estate for life, or for some greater estate, or of an estate for some or be heir to long term of years, determinable on one or more life or lives, 800l. per ann. in manors, messuages, lands, tenements or hereditaments in England, Wales or the town of Berwick upon Tweed, of the yearly value of four hundred pounds, or shall be heir apparent of some person who shall be in like manner seised or possessed of

a like estate as aforesaid, of the yearly value of eight hundred Lieutenant co- pounds; and each person so to be appointed a lieutenant colonel lonel or major or major, shall be, in like manner, seised or possessed of a 2001. per ann. like estate as asoresaid, of the yearly value of three hundred

Captain cool. per annum,

pounds, or shall be heir apparent of some person who shall be, in like manner, seised or possessed of a like estate as aforesaid, of the yearly value of fix hundred pounds; and each person so to be appointed a captain, shall be, in like manner, seised or possessed of a like estate as aforesaid, of the

Lieutenant rool. per a 1num.

yearly value of two hundred pounds, or shall be heir apparent of some person who shall be, in like manner, seised or possessed of a like estate as aforesaid, of the yearly value of four hundred pounds, or shall be a younger fon of some person who shall be, or, at the time of his death, was in like manner feifed or poffeffed of a like estate as aforesaid, of the yearly value of fix hundred

Fnfign 50l. per annum. pounds; and that each person so to be appointed a lieutenant, shall be, in like manner, seised or possessed of a like estate as aforesaid, of the yearly value of one hundred pounds, or shall be fon of some person who shall be, or, at the time of his death, was in like manner feised or possessed of a like estate as aforesaid, of

the yearly value of two hundred pounds; and each person so to be appointed an enfign, shall be, in like manner, seised or posfeffed of a like estate as aforesaid, of the yearly value of fifty pounds, or shall be son of some person who shall be, or, at the time of his death, was in like manner seised or possessed of a like estate as aforesaid, of the yearly value of one hundred pounds; One moiety of one moiety of which said estates, required as qualifications for

each deputy lieutenant, colonel, lieutenant colonel, major, capthe estates to be within the tain, lieutenant and enfign respectively, shall be situate or arising within fuch respective county or riding in which he shall be so

appointed to ferve.

county for which they ferve. What shall be to an estate

of rool.

IV. Provided always, and be it enacted, That for the purpofes deemed equal of the respective qualifications required by this act, the immediate reversion or remainder of and in manors, messuages, lands, tenements or hereditaments which are leafed for one, two or three life or lives, or for any term of years determinable upon the death of one, two or three life or lives on referved rents, and which are to the leffee or leffees of the clear yearly value of three hundred pounds, shall be deemed equal to an estate herein before described as a qualification of the yearly value of one hundred pounds, and so in proportion, be the faid qualifications of a greater or less degree; any thing in this act contained to the

contrary notwithstanding.

V. Provided always, and be it enacted, That any officer may Officers may be promoted on account of merit in the faid militia, when called be promoted, out and assembled, in case of actual invasion, or upon imminent nary occasions, danger thereof, or in case of rebellion, by the lieutenant of any on account of county, riding or place, from a lower to an higher commission, merit, inclusive of that of lieutenant colonel, notwithstanding he should not have the qualifications requisite for his first admittance into fuch higher rank of the militia.

VI. Provided, That no person, not having the qualification but none highherein before directed for a captain, shall be promoted to an er than cap-

higher rank than that of captain.

VII. Provided also, That the qualifications above recited, to want a qualienable any person to be a deputy lieutenant, lieutenant colonel, that rank. major, captain, lieutenant or enfign, shall not extend to such Recited qualicommissions as shall be granted by his Majesty's constable of the cations not to tower, or lieutenant of the tower bamlets.

VIII. Provided always, and be it enacted, That his Majesty, hamlets. his heirs and successors shall from time to time, as he and they Deputy lieuteshall think fit, signify his and their pleasure to his and their nants and offilieutenants of any county, riding or place, to displace all or any cers may be fuch deputy lieutenants and officers; and thereupon his Majesty's displaced at respective lieutenants shall appoint others within the same county, pleasure. riding or place, under the like qualifications, to ferve in their stead.

IX. Provided always, and be it enacted, That every deputy Their qualifilieutenant and commission officer in the militia shall, within fix cations to be months next after he shall have accepted his commission, leave left with the with the clerk of the peace of the county, riding or place, in and clerk of the for which he shall be so appointed, his qualification in writing, ed. figned by himself; and such clerk of the peace is hereby required to enter the same upon a roll to be kept for that purpose; and every deputy lieutenant and commission officer shall, at some general quarter sessions holden for the county, riding or place for which he shall be so appointed, or in one of his Majesty's courts of record at Westminster, within fix months after he shall have accepted his commission, take the oaths appointed to be They are to taken in and by an act passed in the first year of the reign of his take the oaths, late majesty King George, intituled, An all for the further Security &c. appointed of his Majesty's person and government; and the succession of the by 1 G. 1. it. crown in the heirs of the late princes Sophia, being protestants; and 2. c. 13. for extinguishing the bopes of the pretended prince of Wales, and his open and secret abettors; and shall also make, repeat and subscribe the declaration in the faid act mentioned.

X. And be it enacted, That if any person shall execute any 2001. penalty of the powers hereby conferred on deputy lieutenants, colonels, ondeputy lieulieutenant colonels or majors (not being qualified as aforesaid) tenants, and or shall not, within the time herein before limited, deliver in all above the fuch qualification, and take the oaths, and make, repeat and tains; subscribe the declaration aforesaid, every such person shall forfeit and pay the fum of two hundred pounds; and if any perion shall execute any of the powers hereby conferred on captains,

tains, who extend to the

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and rook on captains, and ti ole under, acting if not qualified, &c.

lieutenants or enfigns (not being qualified as aforefaid) and thall not, within the time herein before limited, deliver in fuch qualification, and take the oaths, and make, repeat and subscribe the declaration aforesaid, every such person shall forfeit and pay the fum of one hundred pounds; fuch several penalties to be recovered by action of debt, bill, plaint or information, in any of his Majesty's courts of record at Westminster, wherein no essoin, wager of law or protection, or more than one imparlance shall be allowed; one moiety whereof thall go to the use of the person who shall sue for the same, and the other moiety to the uses herein after directed.

Peers exempted ferving; but they and appointed deputy lieute-

XI. Provided always, and be it enacted, That nothing in this act contained shall extend, or be deemed or construed to extend to oblige any peer of this realm to serve in the militia their heirs ap- personally, or by substitute; or to restrain his Majesty's lieuparent may be tenant of any county, riding or place from appointing any peer of this realm, or heir apparent of any fuch peer, to be a deputy nants or com- lieutenant or commission officer in the militia within the county, mission officers. riding or place where such peer or heir apparent of such peer shall respectively have some place of residence; or to oblige any peer of this realm, or heir apparent of fuch peer (so appointed a deputy lieutenant or commission officer respectively) to leave with the clerk of the peace for the county, riding or place for which he shall be so appointed, any qualification in writing as aforesaid; but it shall be lawful for every peer of this realm, or heir apparent of fuch peer so appointed and taking the oaths, and making, repeating and subscribing the declaration aforesaid, to act as a deputy lieutenant or commission officer respectively, although he shall not be seised or possessed of any such estate in manors, messuages, lands, tenements or hereditaments, as is required by this act; any thing herein contained to the contrary notwithstanding.

XII. Provided always, and be it enacted, That the acceptance does not vacate of a commission in the militia shall not vacate the scat of any

member returned to ferve in parliament.

XIII. And be it enacted, That his Majesty's lieutenant, 4 years, such a together with three or more deputy lieutenants of any county, number of of riding or place, and on the death, or in the absence of his Maficers to be dif- jefty's lieutenant, any five or more of them shall, at the end of every four years, at their annual meeting, discharge such a number of the officers of the militia (not exceeding one field officer of each regiment or battalion, and one third part of the whole number of officers of each inferior rank respectively) as shall be equal to the number of persons who shall be fit and willing to ferve as officers in the militia of fuch county, riding or place, and shall be duly qualified for such ranks according to the directions of this act; and fuch lieutenant shall appoint such persons to ferve as officers in the room of the officers fo discharged as aforefaid.

XIV. And be it enacted, That his Majesty, his heirs and fuccessors may and shall appoint one proper person, who shall

A commission a feat in parliament.

At the end of charged.

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have served, or shall, at the time of such appointment, actually Adjutant from serve in some of his Majesty's other forces, to be an adjutant to the King's foreach regiment or battalion of militia in each county, riding or ces to be ap place respectively; and such adjutant shall, during his service each regiment; in the said militia, preserve his rank in the army in the same manner as if he had continued in that service; and his Majesty, his heirs and successors may and shall also appoint, according to Serjeants to be the proportion of one ferjeant to twenty private men, two or appointed out more proper persons to be serjeants to every company in the of the army; faid militia, out of and from his Majesty's other forces, such persons having served in the said forces for the space of three years next preceding their appointment to be ferjeants as aforefaid, or may appoint such other persons to be serjeants as aforesaid, as have formerly served for the space of three years in his Majefty's said forces; and the service in the militia of such persons so and to be intiappointed out of his Majesty's said forces, shall intitle them to tled to Chelsea the benefit of Chelsea hospital, in the same manner as if they had hospital. continued to serve in the said forces; and everyperson appointed Serjeants apto be a serjeant as aforesaid, out of the pensioners on the establish- thence, to be ment of Chelfea bospital, shall be intitled to be put again upon re-admitted. the faid establishment after he shall be discharged from the service of the militia, provided he brings a certificate of his good behaviour, under the hand of the colonel or commanding officer of the regiment or battalion in which he shall have served as atorefaid.

XV. And be it enacted, That no person who shall keep any Ale-househouse of publick entertainment, or who shall sell any ale, wine, keepers, &c. brandy or other spirituous liquors by retail, shall be capable of disqualified being or continuing a ferjeant in the militia.

XVI. And be it enacted, That the number of private men Number of to be raised by virtue of this act, in that part of Great Britain, private men called England, the dominion of Wales and town of Berwick to be raised in upon Tweed (exclusive of the places herein after excepted) each county.

from being

For the county of Bedford, four hundred.

For the county of Berks, five hundred and fixty. For the county of Bucks, five hundred and fixty.

For the county of Cambridge, four hundred and eighty. For the county of Chester, with the city and county of the

city of Chester, five hundred and fixty.

shall be

For the county of Cornwall, fix hundred and forty.

For the county of Cumberland, three hundred and twenty.

For the county of Derby, five hundred and fixty.

For the county of Devon, with the city and county of the city of Exeter, one thousand six hundred.

For the county of Dorset, with the town and county of the town of Poole, fix hundred and forty.

For the county of Durham, four hundred.

For the county of Effex, nine hundred and fixty.

For the county of Gloucester, with the city and county of the city

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city of Gloucester, and the city and county of the city of Bristel, nine hundred and fixty.

For the county of Hereford, four hundred and eighty. For the county of Hertford, five hundred and fixty.

For the county of Huntingdon, three hundred and twenty. For the county of Kent, with the city and county of the city

of Canterbury, nine hundred and fixty.

For the county of Lancaster, eight hundred.

For the county of Leicester, five hundred and fixty.

For the county of Lincoln, with the city and county of the city of Lincoln, one thousand two hundred.

For the tower division in the county of Middlesex, commonly called the Tower Hamlets, one thousand one hundred and fixty.

And for the rest of the county of Middlesex, one thousand six hundred.

For the county of Monmouth, two hundred and forty.

For the county of Norfolk, with the city and county of the city of Norwich, nine hundred and fixty.

For the county of Northampton, fix hundred and forty.

For the county of Northumberland, with the town and county of the town of Newcastle upon Tyne, and the town of Berwick, five hundred and fixty.

For the county of Nottingham, with the town and county of the

town of Nottingham, four hundred and eighty.

For the county of Oxford, five hundred and fixty. For the county of Rutland, one hundred and twenty.

For the county of Salop, fix hundred and forty.

For the county of Somer set, eight hundred and forty.

For the county of Southampton, with the town and county of the town of Southampton, nine hundred and fixty.

For the county of Stafford, with the city and county of the city of Litchfield, five hundred and fixty.

For the county of Suffolk, nine hundred and fixty.

For the county of Surry, eight hundred. For the county of Suffex, eight hundred.

For the county of Warwick, with the city and county of the city of Coventry, fix hundred and forty.

For the county of Westmoreland, two hundred and forty.

For the county of Worcester, with the city and county of the city of Worcester, five hundred and fixty.

For the county of Wilts, eight hundred.

For the west riding of the county of York, with the city and county of the city of York, one thousand two hundred and forty.

For the north riding of the faid county, seven hundred and

twenty.

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And for the east riding of the said county, with the town and county of the town of Kingston upon Hull, four hundred.

For the county of Anglesca, eighty.

For the county of Brecknock, one hundred and fixty. For the county of Cardigan, one hundred and twenty.

For

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For the county of Caermarthen, with the county borough of Caermarthen, two hundred.

For the county of Carnarvon, eighty.

For the county of Denbigh, two hundred and eighty. For the county of Flint, one hundred and twenty.

For the county of Glamorgan, three hundred and fixty.

For the county of Merioneth, eighty.

For the county of Montgomery, two hundred and forty.

For the county of Pembroke, with the town and county of the town of Haverford West, one hundred and fixty.

For the county of Radner, one hundred and twenty.

XVII. Provided, That there shall not be more than three Three officers commission officers (that is to say) one captain, one lieutenant, allowed to so and one ensign, to eighty private men; and so in proportion, private men. as near as may be, to any greater or lesser number of private men.

XVIII. Provided always, and be it enacted, That if his Ma- Where too jesty's lieutenant of any county, riding or place, shall think that large a protoo large a proportion of private men is by this act directed to portion of men be raised for such county, riding or place, it shall be lawful for privy council his Majesty's privy council, upon application made to them by is to regulate any such lieutenant, to fix as near as may be, the number of the same. private men, which shall be furnished from the list of that county, riding or place so complaining, by the proportion which the whole number returned in all the lifts bears to the whole number of the militia by this act directed to be raised; all which lists his Majesty's lieutenants of each county, riding or place respectively, are hereby required to transmit to his Ma-

jesty's privy council.

XIX. And be it enacted, That his Majesty's lieutenants, to- Lieutenants gether with any two or more deputy lieutenants, and on the and deputy death or removal, or in the absence of his Majesty's lieutenants, meet annually the deputy lieutenants, or any three or more of them, shall meet or oftener. once in every year at some city or principal town of the county, riding or place for which they shall be commissioned, or oftener, if they shall think fit, there to concert such measures as shall be most conducive to the faithful execution of this act; the first of First meeting which meetings for the year one thousand seven hundred and to be on 12 fifty seven shall be on the twelsth day of July, and for every subsequent subsequent year on the first Tuesday in June; and shall at their years on first first meeting, issue out their orders to the chief constable, and Tuesday in where there is no chief constable, to some other officer of the June. several hundreds, rapes, laths, wapentakes, or other divisions Orders to be within their respective counties, ridings or places, to return to then issued to them upon a day, and at a place therein to be mentioned, fair the conflables and true lifts in writing of all men usually, and at that time, turns of all dwelling within their respective hundreds, rapes, laths, wapen-men, between takes, or other divisions, between the ages of eighteen and fifty the ages of 13 years (all peers of this realm; all persons who shall serve or act and 50 years. as deputy lieutenants, or commission officers in the militia; all Persons ex-

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perions cepted.

Chief conftables to order the parish officers to make such returns.

Copy to be affixed on the door of the church, the Sunday before the return is made.

Lieutenants and deputy lieutenants to meet and appoint the number of men to ferve.

Deputy lieutenants to subdivide, and meet in their subdivisions within a month;

persons actually serving as commission officers in any regiment, troop or company in his Majesty's other forces, or in any of his Majesty's castles or forts; all persons being members of either of the universities, clergymen, teachers and preachers of separate congregations, constables, and other peace officers, and parith officers; articled clerks, apprentices, seamen and sea-faring men excepted) distinguishing the numbers in each parish, tything or place, and which of the persons so returned labour under any infirmities incapacitating them from ferving as militia men; for which purpose such chief constables, or other officers, and every of them, are hereby authorized and required, by order under their hands, to require the constable, tythingman, headborough, or other officer of each parish, tything or place within their respective hundreds, rapes, laths, wapentakes, or other divisions, to return to them upon a day, and at a place in such order to be mentioned, fair and true lifts in writing of all fuch men as aforesaid, usually and at that time dwelling within their respective parishes, tythings or places, with the distinctions before described, having first affixed a true copy thereof on the door of the church or chapel belonging to such parish, tything or place; and if any place, being extraparochial, shall have no church or chapel belonging thereto, on the door of the church or chapel of some parish or place thereunto adjoining, on the Sunday morning before they shall make such return; and his Majesty's lieutenants, together with any two or more deputy lieutenants, or in the absence of his Majesty's said lieutenant, any three or more deputy lieutenants, shall on the day, and at the place on which they shall have so ordered such lists to be returned, meet and appoint what number of persons in each respective hundred, rape, lath, wapentake, or other division as aforelaid, shall serve in the said militia, towards raising the number of militia men hereby ordered and directed to be raifed for fuch respective county, riding or place, in proportion to the whole number contained in fuch lifts; and the faid deputy lieutenants shall afterwards subdivide themselves; and any three or more deputy lieutenants, or in case three deputy lieutenants shall not meet, then any two deputy lieutenants, together with any one justice of the peace for such county, riding or place, or any one deputy lieutenant, together with any two fuch justices of the peace, shall within one month after the said second general meeting, meet within the respective subdivisions, at a time and place to be appointed by the faid deputy lieutenants, or one of them, and the faid deputy lieutenants, or any one or more of them, shall before such meeting issue out an order to the chief constables or other officers of the respective hundreds, rapes, laths, wapentakes, or other divisions, to return upon the day and at the place of meeting to appointed, true copies of the lifts so by them returned, to his Majesty's said lieutenant, and the faid deputy lieutenants, at their fecond general meeting as aforesaid; and the said deputy licutenants, or any three or more of them, or any two deputy lieutenants, together with any one



justice of the peace, or any one deputy lieutenant, together with any two justices of the peace so affembled in the said subdivisions, shall (after hearing any person who shall think himself aggrieved by having his name inferted in fuch lifts, or by any others being omitted) direct such lists to be amended, and ap- and after setpoint what number of men in each respective parish, tything or and number place, shall serve in the said militia, in proportion to the whole of men to number contained in the lifts for such hundreds, rapes, laths, serve, wapentakes, or other divisions, as aforesaid; and shall immedi- they are to ately cause them to be chosen by lot out of the whole number cause them to of men liable to serve for each respective parish, tything or place; be chosen by and the faid deputy lieutenants, or any one or more of them, lot. shall appoint another meeting to be held within three weeks in the same subdivision, and shall issue out an order to the chief Anothermeetconstables or other officers of the respective hundreds, rapes, ing within laths, wapentakes, or other divisions, to direct the constable, three weeks tythingman, headborough or other officer of each parish, tyth- tice to the ing or place, to give notice to every man fo chosen to serve in persons chothe militia, to appear at such meeting; which notice shall be sen to attend; given or left at his place of abode at least seven days before such meeting; and every person so chosen by lot, shall upon such who are then notice appear at such meeting, and there take the oaths directed to take the to be taken, and make, repeat and subscribe the declaration oaths, &c. acmentioned in and by the faid act passed in the first year of cording to his late majesty King George; which oaths and decla- 2. c. 13. ration any one deputy lieutenant is hereby authorized then and are to be and there to administer; and shall be inrolled to serve in the inrolled to militia of fuch respective county, riding or place, as a private serve as primilitia man, for the space of three years, in a roll to be then three years, or and there prepared for that purpose, or shall provide a fit person provide fit (to be approved by the faid deputy lieutenants, or any three or substitutes. more of them, or any two deputy lieutenants, together with any one justice of the peace, or any one deputy lieutenant, together with any two justices of the peace then met) to serve as his substitute; which substitute so provided and approved, shall take the said oaths, and make, repeat and subscribe the said declaration, and fign his confent on the faid roll, to serve as his substitute during the faid term; and if any person so chosen by lot to Persons refuferve in the said militia (not being one of the people called Qua- sing to serve, kers) shall refuse or neglect to take the oaths, and make, repeat &c. forfeit role and subscribe the declaration aforesaid, and to serve in the said militia, or to provide a substitute to be approved as aforesaid, who shall take the oaths, and make, repeat and subscribe the faid declaration, and fign his consent to serve as his substitute; and at the end every fuch person shall forfeit and pay the sum of ten pounds, of three years and at the end of three years be appointed to serve again.

XX. And be it enacted, That the faid deputy lieutenants, or ferve again. any three or more of them, or any two deputy lieutenants, to- tenants to gether with any one justice of the peace, or any one deputy meet occasiolieutenant, together with any two justices of the peace, thall nally, and anmeet in the several sub-divisions, from time to time, as often as nually on the they fore Michael-

are liable to

cancies.

fuch as have a right thereto,

and to fill up by lot all va-

be inrolled.

Private man, changing his refidence, to ferve in the place he removes to, and to give previous notice of his removal to the deputy lieutenant.

mas; to grant they shall think necessary, for the due execution of this act, and discharges to one of the said meetings in every shall be on Tuesday in the week before Michaelmas day; and if any man ferving in the faid militia, being of the age of thirty five years or upwards, and having served two years in the militia, shall defire his discharge; or if any person whatsoever shall shew any just cause for his discharge; it may and shall be lawful for the faid deputy lieutetenants, or any three or more of them, or any two deputy lieutenants, together with any one justice of the peace, or any one deputy lieutenant, together with any two justices of the peace, at their faid annual meetings for the respective subdivisions, to discharge such person from serving in the said militia; and in the stead of the persons so discharged, and also if there shall be any other vacancy by death, or otherwise, such deputy lieutenants. or any three or more of them, or any two deputy lieutenants, together with any one justice of the peace, or any one deputy lieutenant, together with any two justices of the peace, shall cause a like number of other persons to be chosen by lot out of the lifts of fuch parishes, tythings or places where such vacancies shall happen, unless the person by whom any such vacancy shall be made, served as a substitute; in which case the person for whom he served shall himself serve, or provide another substitute for the remainder of the three years unexpired from his Personschosen having provided his first substitute; which persons so chosen, are to take the or substitutes so provided and approved as aforesaid, shall take oaths, &c. and the faid oaths, and make, repeat and subscribe the faid declaration; and every person so chosen shall be inrolled, and every substitute so provided shall subscribe his consent to serve, and shall ferve in the said militia for the space of three years, or for the remainder of the three years unexpired, subject to the directions, provisions and penalties in this act contained.

XXI. Provided always, and be it enacted, That every militia man shall, if he change the place of his abode, continue actually bound to serve in the militia of the parish, tything or place to which he shall so have removed, until his three years service shall be completed; and if the quota to the militia of the parish, tything or place to which he shall so have removed, be full, he shall, on the first vacancy, be inrolled to serve in the militia thereof, until the whole term of three years actual fervice be completed; and every such militia man shall, before he change the place of his abode, give notice thereof to any three or more deputy licutenants, or to any two deputy lieutenants, together with any one justice of the peace, or to any one deputy lieutenant, together with any two justices of the peace, at some publick meeting, or to one deputy licutenant, who shall give to such militia man a certificate of the time he shall have served in the militia of the respective parish, tything or place, from his inrollment to serve in the same; and if such certificate shall have been given by one deputy lieutenant only, fuch deputy lieutenant shall certify the same to the deputy lieutenants and justices of the peace at their next meeting within fuch fubdivision; and if any

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militia man so changing the place of his abode, shall not give On neglect of notice as aforefaid, such militia man so neglecting, and thereof giving such convicted on oath before one or more justice or justices of the notice, he peace, shall forfeit and pay the sum of twenty shillings; and if fuch offender shall refuse immediately to pay such penalty, it shall be levied by distress and sale of his goods and chattels, by warrant under the hand and feal, or hands and feals of fuch juftice or justices, rendering the overplus (if any) on demand, after deducting the charges of such distress and sale to such offender, upon whom such distress shall have been made as aforesaid; and for want of such distress, such justice or justices shall commit fuch offender to the house of correction, there to be kept to hard

labour for the space of one month.

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XXII. And be it enacted, That the faid deputy lieutenants, New lifts to or any three or more of them, or any two deputy lieutenants, be made out, together with any one justice of the peace, or any one deputy to the deputy lieutenant, together with any two justices of the peace in the lieutenants at feveral fubdivisions, shall yearly cause new lists in the several their annual parishes, tythings or places within the same, to be made as is meetings; before directed, and to be returned to them at their faid annual meetings in the feveral fubdivisions; and shall in every third and every year appoint what number of persons shall serve for each parish, third year, the tything or place; and shall cause a sufficient number of persons men to serve to be chosen by lot, in the room of such persons as shall have is to be apserved three years, and of those who shall have been discharged, pointed, and which persons so chosen shall take the said oaths, make, repeat chosen by lot, and subscribe the said declaration, and be inrolled in manner aforesaid, so that by rotation all persons not excepted by this act, living in such parishes, tythings or places, may serve personally or by substitute, for the space of three years; and shall be subject to, and under the directions, provisions and penalties in this act contained; and no militia man having served as a substitute, No substitute shall by such service be excused from serving for himself, when to be excused he shall be chosen by lot as aforesaid; and the said deputy lieu- from serving tenants, or any three or more of them, or any two deputy lieu- for himself. Copies of the tenants, together with any one justice of the peace, or any one rolls to be deputy lieutenant, together with any two justices of the peace, transmitted to shall transmit to his Majesty's lieutenant true copies of the said the lieuterolls, within fourteen days after their respective meetings for that nant. purpole; and if any chief constable, or other officer of any hundred, rape, lath, wapentake, or other divition, or any constable, tyth- Constables or ingman, headborough, or other officer, of any parish, tything other officers or place, shall refuse or neglect to return such lists from time to neglecting time, or to comply with fuch orders and directions as he shall guilty of from time to time receive from his Majesty's lieutenant, and the fraud, faid deputy lieutenants, or any three or more of them, or any two deputy lieutenants, together with any one justice of the peace, or any one deputy lieutenant, together with any two justices of the peace, in pursuance of this act, or shall in making fuch return, be guilty of any fraud or wilful partiality, any three or more deputy lieutenants, or any two deputy lieutenants, to-

ed, not exceeding 51.

gether with any one justice of the peace, or any one deputy lieutenant, together with any two justices of the peace, are hereby impowered and required to imprison in the common gaol of the may be impri- respective county or place, such chief constable or other officer foned for one of any hundred, rape, lath, wapentake, or other division; or month, or fin- fuch constable, tythingman, headborough, or other officer of any parith, tything or place; there to be kept without bail or mainnor under 40s. prize for the space of one month; or at their discretion, to fine fuch officer in any fum not exceeding five pounds, nor under forty shillings; such fine to be levied by distress and sale of the offender's goods and chattels, by warrant under the hands and feals of any three or more deputy lieutenants, or of any two deputy lieutenants, together with any one justice of the peace, or of any one deputy lieutenant, together with any two justices of the peace, rendering the overplus (if any) on demand, after deducting the charge of such distress and sale, to such officer upon whom such distress shall have been made as aforesaid.

XXIII. Provided always, and be it enacted, That no private man, personally serving for himself in the said militia, during the time of his ferving as a militia man, shall be liable to do personally any highway duty, commonly called statute work, or to serve as a peace officer or parish officer; nor shall such private man be liable to ferve in any of his Majesty's land forces, by virtue of any act for recruiting his Majesty's land forces, unless he shall consent thereto.

XXIV. Provided always, That no person having personally or by substitute served three years in the militia, shall be obliged to ferve again, until by rotation it comes to his turn.

XXV. And be it enacted, That every man having personally served in the militia, when called out and assembled in case of actual invasion, or upon imminent danger thereof, or in case of rebellion, and being a married man, may fet up and exercise any men, if called such trade as he is apt and able for, in any town or place within out in cases of the kingdoms of Great Britain and Ireland, without any let, suit or molestation, of any person or persons whatsoever, for or by reason of the using of such trade, as freely, and with the same provisions, and under the same regulations, and with the like exception in respect to the two universities of that part of Great Britain called England, as any mariner or foldier may do, by an act passed in the twenty second year of his Majesty's reign, intituled, An act to enable such officers, mariners and soldiers, as have been in his Majesty's service since his accession to the throne, to exercise trades.

XXVI. And be it enacted, That if any person, being one of chosen and re- the people called Quakers, shall be chosen by lot to serve in the militia, and shall refuse or neglect to appear and take the oaths. and make, repeat and subscribe the declaration aforesaid, and to serve in the said militia, or to provide a substitute, to be appointed as aforesaid, who shall take the said oaths, make, repeat and subscribe the said declaration, and subscribe his consent to serve as the substitute of such Quaker; then and in every such case,

Private man serving for himfelf is exempted from Several duties and offices.

None having ferved three years, is liable to ferve again but in rotation. The same liberty granted to married publick danger, to fet up trades,

as by 22 Geo. 2, C. 44. 15 granted to mariners or foldiers.

If a Quaker be fule to ferve, or provide a subfitute,

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I757-3 any three deputy lieutenants, or any two deputy lieutenants, Deputy lieu. together with any one justice of the peace, or any one deputy tenants are to lieutenant, together with any two justices of the peace, shall, and levy the upon as reasonable terms as may be, provide and hire a fit per- expence by di son, who shall take the said oaths, make, repeat and subscribe stress and sale. the faid declaration, and subscribe his consent to serve in the said militia for the space of three years, as the substitute of such Quaker; and any three deputy lieutenants, or any two deputy lieutenants, together with any one justice of the peace, or any one deputy lieutenant, together with any two justices of the peace, are hereby impowered and required to levy by diffrefs and sale of the goods and chattels of such Quaker, by warrant under the hands and seals of any three deputy lieutenants, or any two deputy lieutenants, together with any one justice of the peace, or any one deputy lieutenant, together with any two justices of the peace, such sum or sums as shall be necessary to defray the expence of providing and hiring fuch person to serve in the said militia for the space of three years, as the substitute of fuch Quaker so refusing or neglecting as aforesaid, rendering the overplus, if any, after deducting the charges of such distress and sale, to such Quaker, upon whom such distress shall have If oppressive been made as aforesaid; and in case any measures shall be used measures be in making distress as aforesaid, which may be by any such ing the di-Quaker thought oppressive, it shall be lawful for such Quaker to stress, Quaker complain thereof to the deputy lieutenants and justices of the upon compeace at their next meeting, who are hereby impowered and re-plaint, to be

quired to hear and finally determine the fame. XXVII. And be it enacted, That within one month after Within one the faid rolls are fo returned from the deputy lieutenants, and month after justices of the peace as aforesaid, his Majesty's lieutenant, to-return of the gether with any two or more deputy lieutenants, or in the ab- rolls, the lieusence of the faid lieutenant, any three or more deputy lieutenants deputy lieushall meet together, and form and order the militia for their re- tenants are to spective counties, ridings or places, into regiments, consisting, meet, and where the number of militia men will admit the same, of twelve, form the mibut in no case of less than seven companies, of forty men each ments; at the least, of persons living as near to each other as conveniently can be; and shall post to each company proper officers and post procommissioned and qualified as aforefaid, and other proper non- per officers to commission officers; and the militia so formed and ordered shall each compabe trained and exercised in manner following; that is to say, In Manner of half companies on the first Monday in the months of March, training and April, May, June, July, August, September, and October, and in exerciting the companies on the third Monday in the faid months, at each place militia. of exercise, or so many, not amounting to half companies or companies respectively, living within the distances herein after mentioned, as can be conveniently brought together; and in regiments or by battalions on the Tuefday, Wednesday, Thursday and Friday in It hitfun week, in every year, at places of exercite to be appointed within the respective counties, ridings or places by his Majesty's lieutenant, together with any two or more de-

Notice of the places of exercife is to be fent to the chief conftables, &c. and by them to the parishofdoors.

A clerk, fer jeant major, and drum major to be appointed to each regiment. If it is inconvenient on acexercise the militia on the day let by this act,

they may be exercised on any other day in that week but Sunday.

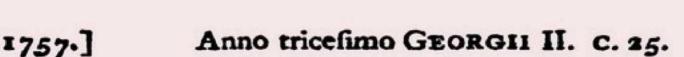
Where the numbers are infufficient to be regimented, they are to a battalion,

exercised for four days in Whitfun week annually.

puty lieutenants, or in the absence of the said lieutenant, by any three or more deputy lieutenants, as convenient with regard to the respective abodes of the militia men as may be, and so as fuch militia men may not be obliged to go above fix miles from home to perform such exercise in half companies or companies; and notice of the several places of exercise to which the militia men of each parish, tything or place are to refort, shall be sent to the chief constables, or other officers of the several hundreds, rapes, laths, wapentakes, or other divisions, with directions to forward the same to the constables, tythingmen, headboroughs, or other officers of the feveral parishes, tythings or places withficers, who are in their respective hundreds, rapes, laths, wapentakes, or other to fix the same divisions; which constables, tythingmen, headboroughs, or on the church other parish officers, shall cause such notice to be fixed on the the doors of the churches or chapels belonging to their respective parishes, tythings or places; or if any place being extraparochial, shall have no church or chapel belonging thereto, on the door of the church or chapel of some parish, tything or place thereunto adjoining; and all such militia men shall duly attend on the days herein before mentioned, at the times and places of exercise so to be appointed; and his Majesty's lieutenant shall, from time to time as occasion shall require, appoint a clerk, and also a serieant major out of the serieants, and a drum major out of the drummers, to each regiment or battalion.

XXVIII. Provided always, That if the principal inhabitants of any parish, town or place, or any five or more of them, shall count of fairs represent to the lieutenant, or any three or more deputy lieuor markets to tenants, or any two deputy lieutenants, together with any one justice of the peace, or to any one deputy lieutenant, together with any two justices of the peace, at any meeting in their subdivision, in which such parish, town or place is situate, that it is upon account of fairs or markets inconvenient to exercise the militia men on the day appointed by this act, it shall be lawful for any three deputy lieutenants, or any two deputy lieutenants, together with any one justice of the peace, or any one deputy lieutenant, together with any two justices of the peace, to order and direct the militia men within fuch parith, town or place, to be exercised upon any other day within that week, Sunday excepted.

XXIX. Provided also, That in any county, riding or place, where the number of men to be raised, shall not amount to feven companies, and therefore not be fufficient to form a regiment, fuch companies shall be formed into a battalion, and beformed into thall be under the command of his Majesty's lieutenant of such county, riding or place, and one field officer, one adjutant (who shall not be of higher rank in the army than a subaltern) one ferjeant major, one drum major, and one clerk, shall be and are to be appointed for the battalion of militia of fuch county, riding or place; and the whole militia of fuch county, riding or place. shall on the Tuesday, Wednesday, Thursday and Friday in Whitsun week in every year, be trained and exercised in the same nanner.



as regiments in other counties are by this act directed to be

brought together, trained and exercised.

XXX. Provided also, That where by reason of the distance Smaller bodies from the appointed place of exercise, a whole company, or half of men to be company of militia men, cannot be got together, his Majesty's exercised as lieutenant, together with any one or more deputy lieutenants, thought fit by or in the absence of his Majesty's lieutenant, any two or more the lieutenant, deputy lieutenants, shall order such smaller numbers to be train- &c. ed and exercised by such person or persons, and in such place or places as they shall think fit.

XXXI. And be it enacted, That one commission officer in Commission every company shall attend the exercise of his men, when in officer to at-companies or in half companies, as often as convenient, and ercise of comshall then inspect the state of their arms, clothes and accourre- panies or half ments, a report whereof he shall forthwith transmit in writing companies. to his Majesty's lieutenant, or to the commanding officer of the

regiment or battalion.

XXXII. And be it enacted, That the captain of each com- Captain to pany of militia shall keep in his own custody, or leave and de- have the posit with the several serjeants belonging to his company, or with charge of the such persons as the said captain shall appoint for that fuch persons as the said captain shall appoint for that purpose, clothes, &c. of the arms, clothes, and accourrements provided for his company his company; of militia; and the churchwardens of every parish or place where and churchthe faid arms, clothes and accourrements, are so deposited, or wardens to one of them, is and are hereby required to provide at the comprovide chefts. one of them, is and are hereby required to provide, at the expence of such parish or place, a chest, in which such captain, ferjeant, or other person so appointed as aforesaid, shall keep the faid arms in some dry part of his house or dwelling, under lock and key, and another cheft, in which he shall keep under lock and key, the faid clothes and accoutrements; and the ferjeant, or fuch other person as shall be appointed to train and discipline the men, is hereby required to take care, that after exercise every militia man cleans and returns his arms, clothes and accoutrements, to his captain, or to such person as shall be appointed as aforefaid to receive the fame.

XXXIII. Provided always, and be it enacted, That his Ma- The King's jesty's lieutenant of any county, riding or place, or the colonel lieutenant, or of any regiment of militia, is hereby authorized, by warrant the colonel, under his hand and feal, to employ such person or persons as remove the he shall think fit, to seize and remove the arms, clothes and arms, &c. accoutrements, belonging to the militia, whenever his Majesty's when necesfaid lieutenant, or the faid colonel, shall judge it necessary to fary to the the peace of the kingdom, and to deliver the faid arms, clothes publick peace. and accourrements, into the custody of such person or persons as his Majesty's said lieutenant, or the said colonel, shall appoint to receive the same, for the purposes of this act.

XXXIV. And be it enacted, That if any ferjeant, or any Person intrustother person intrusted by the captain with the custody of any ed with custoarms, clothes or accourrements, belonging to the militia, shall arms, &c. dedeliver out any fuch arms, clothes or accourrements, unless for livering out exercifing the men, or by the command of his superior officer, the tame, unor by the order of any justice of the peace under his hand and less for exer-

feal cife, or by

forfeit

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committed for 6 months.

No pay, arms, be iffued, nor adjutant or ferjeant to be four fifths of the men, and ed, &cc.

Names of the men to be called over at exercife, and a return made to a juflice, of the absentees, and of fuch as be disobedient.

And the juflice may fine fuch absentee for the ift offence 2 s.

for the 2d offence 4 s.

every other offence 6 s.

be drunk on his duty, he forfeits 10 s.

proper com- feal, it may and shall be lawful for any two or more justices of mand, may be the peace to commit such offender to the common gaol of the county, riding or place, where the offence shall be committed, there to remain without bail or mainprize, for any time not exceeding fix months.

XXXV. And be it further enacted by the authority aforesaid, or clothing, to That no pay, arms, accourrements or clothing, shall be issued, and that no adjutant or serjeants shall be appointed for the militia of any county, riding or place, till it shall appear by a reappointed till turn figned by his Majesty's lieutenant, or, in his absence, by three deputy lieutenants, that four fifths of the militia men of the faid county, riding or place, have been chosen; and that been appoint- four fifths of the commission officers have been appointed; and that they have taken out their commissions and entered their qualifications.

XXXVI. And be it enacted, That the serjeant, or such other person as shall be appointed to train and discipline the men, shall call over the names of the militia men so appointed to be exercised; and within one week after every such exercise, shall certify in writing to some neighbouring justice of the peace, the names of the militia men absent from exercise, with the reasons of their absence, if known to him; and the said serjeant, or other person appointed to train and discipline the men, shall also certify at the same time, if any of the said militia men be disobedient, or otherwise misbehave themselves; and such justice of the peace is hereby impowered and required, upon proof then made upon oath, to fine every such absent militia man, whose excuse he shall not allow of, for the first time of his being so absent, two shillings; and if such militia man shall refuse immediately to pay such fine, such militia man shall, by order of the faid justice, be set in the stocks for the space of one hour; and for the fecond offence, fuch militia man fo convicted as aforesaid, shall forfeit and pay four shillings; and if such militia man thall refuse immediately to pay such penalty, the justice of the peace before whom fuch militia man shall be so convicted as aforesaid, shall by warrant commit such militia man to the for the 3d, and house of correction for the space of four days; and for the third and every other offence, such militia man so convicted shall forfeit and pay fix shillings; and if such militia man shall refuse immediately to pay such penalty, the justice of the peace before whom such militia man shall be so convicted as aforesaid, shall, by warrant, commit such militia man to the house of correction for any time not exceeding one month, or until fuch penalty and if any mi- shall be paid; and if any militia man shall be drunk at the time litia man shall of his exercising, such militia man, being thereof convicted on oath before some justice of the peace, shall forfeit and pay ten shillings; and if such militia man shall refuse immediately to pay such penalty, such militia man shall be, by order of such if disobedient, justice, set in the stocks for one hour; and if any militia man for the 1st of- shall be disobedient or insolent to his officer, and be convicted fence 2 s. 6d. thereof as aforefaid, fuch militia man shall, for the first offence,

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forfeit and pay two shillings and fix pence; and if such militia man shall refuse immediately to pay such penalty, the justice of the peace before whom fuch militia man shall be so convicted as aforesaid, shall, by warrant, commit such militia man to the house of correction for the space of four days; and, for the se- for the ad ofcond offence, such militia man so convicted as aforesaid, shall fence 5 s. forfeit and pay five shillings; and if such militia man shall refuse immediately to pay fuch penalty, the justice of the peace before whom such militia man shall be so convicted as aforesaid, shall. by warrant, commit such militia man to the house of correction for the space of seven days; and for the third and every other and for the ad offence fuch militia man fo convicted as aforefaid, thall forfeit and everyoand pay forty shillings; and if such militia man thall refuse im- ther offence mediately to pay such penalty, the justice of the peace before 40%. whom fuch militia man shall be so convicted as aforesaid, shall, by warrant, commit such militia man to the house of correction, for any time not less than fourteen days, nor exceeding one month: and if any militia man shali fell, pawn or lose, any of and if he fell. his arms, clothes or accoutrements, such militia man, being pawn, or lote thereof convicted in manner aforesaid, shall forfeit and pay a his arms, fum not exceeding three pounds; and if fuch militia man shall clothes, &c. refuse immediately to pay such penalty, the justice of the peace before whom such militia man shall be so convicted as aforesaid, shall, by warrant, commit such militia man to the house of correction for the space of one month, and until satisfaction be made for the same; and if he shall not be of ability to make such fatisfaction, then for the space of three months: and if any mi- if he neglect litia man shall refuse or neglect to return his arms, clothes and to return his accoutrements, in good order, to his captain, or to such person arms, &c he as shall be appointed as aforesaid to receive the same, on the forfeits 2 s. day of exercise, or the next day, such militia man, being thereof convicted as aforesaid, shall, for every such offence, forfeit and pay two shillings and six pence; and if such militia man shall refuse immediately to pay such penalty, the justice of the peace before whom such militia man shall be so convicted as aforesaid, shall, by warrant, commit such militia man to the house of correction for the space of seven days; and if any mi- and if he neglitia man shall refuse or neglect to return his arms, clothes and lect to return accourrements, in good order, to his captain, or to such perbefore the Monday after Whitsun week, and be thereof convicted week, 5 s. as aforesaid, such militia man shall forseit and pay five shillings; and if fuch militia man shall refuse immediately to pay such penalty, the justice of the peace before whom such militia man shall be so convicted as aforesaid, shall, by warrant, commit fuch militia man to the house of correction for the space of four-

teen days. XXXVII. And be it enacted, That if the serjeant or other If the person person appointed by any captain of the militia, to receive and entrusted keep in his cuttody the arms, clothes and accontrements, there-therewith, to belonging, shall refuse or neglect to complain within three plain to a Vol. XXII.

days justice within

3 days, of any arms or clothing not being returned,

days to some neighbouring justice of the peace of any militia man's not having returned his arms, clothes and accourrements, as before directed, such serjeant or other person appointed as aforesaid, being thereof convicted on oath before one of his Mahe forfeits 20% jesty's justices of the peace, shall forfeit and pay the sum of twenty shillings; which penalty, if the offender shall refuse unmediately to pay the same, shall be levied by distress and sale of the offender's goods and chattels, by warrant under the hand and feal of the justice of the peace before whom such offender shall be so convicted as aforesaid, rendering the overplus, if any, on demand, after deducting the charges of such distress and sale, to fuch offender, upon whom fuch diffress shall have been made as aforefaid.

Non-commiffion officer or private man abient, without just cause, from the anforfeits 10 s. per diem.

XXXVIII. And be it enacted, That if any non-commission officer of the militia, or private militia man, shall be absent from the annual meeting of the militia, to which he shall belong, without just cause shewn, such non-commission officer or private militia man, being thereof convicted upon oath, before nual meeting, one or more justice or justices of the peace, shall forfeit and pay ten shillings for each day of such absence; and if such non-commission officer or private militia man, shall refuse immediately to pay such penalty, the justice or justices of the peace before whom fuch non-commission officer or private militia man shall be so convicted, shall, by warrant, commit such non-commission officer or private militia man to the house of correction for the space of one month.

Non-commiffion officer being negligent, infolent, or disobedient, forfeits any fum not exceeding 30 s.

XXXIX. And be it enacted, That if any non-commission officer shall be negligent in his duty, or insolent, or disobedient to the orders of the adjutant, or other his superior officer, and be thereof convicted as aforefaid upon the oath of the adjutant, or other superior officer, before one or more justice or justices of the peace, such non-commission officer shall forfeit and pay any fum not exceeding thirty shillings, at the discretion of such justice or justices; and if such non-commission officer shall refuse immediately to pay such penalty, the justice or justices of the peace before whom such non-commission officer shall be so convicted as aforesaid, shall, by warrant, commit such non-commission officer to the house of correction for the space of fourteen days, and his Majesty's lieutenant may discharge such noncommission officer out of the militia, if he shall think fit.

If any person shall unlawchange, conceal or receive, any of the ing, he forfeits 5 l. for every fuch

XL. And be it enacted, That if any person shall knowingly and willingly buy, take in exchange, conceal or otherwise refully buy, ex-ceive, contrary to the true intent and meaning of this act, any arms, clothes or accoutrements, belonging to the militia, upon any account or pretence whatfoever, the person so offending, bearms or cloth- ing convicted thereof upon oath before one or more justice or justices of the peace, shall forfeit and pay for every such offence, the sum of five pounds; and if such offender shall refuse immediately to pay such penalty, the justice or justices of the peace before whom such offender shall be so convicted as aforesaid, shall, by warrant under the hand and seal, or hands and seals,



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of fuch justice or justices, levy the same by distress and sale of the offender's goods and chattels, rendering the overplus (if any) on demand, after deducting the charges of fuch diffress and sale, to fuch offender upon whom such distress shall have been made as aforelaid; and for want of such distress, shall commit such offender to the common gaol of the county, riding or place, where the offence shall have been committed, there to remain, without bail or mainprize, for the space of three months, or shall cause such offender to be publickly whipt, at the discretion of fuch justice or justices.

XLI. Provided always, and be it enacted, That no officer of None liable to the militia, or private militia man, thall be liable to any penalty penalty for for or on account of his absence during the time he shall be go- absence, during to vote at any election of a member to serve in parliament, of going to or during the time he shall be returning from such election

XLII. And be it enacted, That all the muskets delivered for member, or the service of the militia, shall be marked distinctly in some vi- returning. fible place, with the letter M, and the name of the county, rid-Musket's to be

ing or place, to which they belong.

XLIII. And be it enacted, That the several serjeants shall the name of receive all their military orders, with respect to the training the county, &c. militia men under their care, from the adjutant, and their fu- Serjeants to perior officers; and are hereby required to report, from time to from the adtime, all crimes and misdemeanors of the several militia men jutant, &c. under their command to their adjutant, or superior officers, or and to report to some civil magistrate, as the case shall require.

XLIV. Provided always, and be it enacted, That all chief meanors of constables, petty constables, tythingmen, headboroughs, and the men. other officers of hundreds, rapes, laths, wapentakes, parishes, All constables, tythings and places, within that part of Great Britain called and other peace officers, England, and the dominion of Wales, shall, and they are here-required to be by required to be aiding and affifting to the justices of the peace, affifting in exand to his Majesty's said respective lieutenants, and their depu- ecotion of the ty lieutenants, and to any of them, and to all to whom any premisses. power or authority is by this act given, in the execution of the

premifles.

XLV. And be it enacted, That in case of actual invasion, In case of inor upon imminent danger thereof, or in case of rebellion, it may vasion or reand shall be lawful for his Majesty, his heirs and successors (the bellion, &c. occasion being first communicated to parliament, if the parlia- the King may ment shall be then sitting, or declared in council, and notified order the miby proclamation, if no parliament shall be then sitting or in be-drawnout and ing) to order and direct his lieutenants, and on their death or embodied. removal, or in their ablence from their respective counties, ridings or places, any three or more deputy lieutenants, with all convenient speed, to draw out and embody all the regiments and battallions of militia of their respective counties, ridings or places, herein appointed to be raifed and trained, or fo many of them as his Majesty, his heirs, and successors shall in his or their great wisdom judge necessary, in such manner as shall be best adapted to the circumstances of the danger; and to put the L 2

an (M) and to him, &c.

under the command of general ofcers, and direct the kingdom; and they are to receive like pay as the

and their officers to have equal rank with the officers in the be subject to like rules and articles of war;

and being maimed or wounded are equally intitled to Chelfea hospital. Private men not appearing, or refuting to march ac. cording to fuch order forfeit 401.

In care of invalion, or rebellion, the parliament is

and put them said forces under the command of such general officers as his Majesty, his heirs and successors shall be pleased to appoint over them; and to direct them to be led by their respective officers into any parts of this kingdom, for the suppression of such invasions and rebellions: and the said officers of the militia, and them to be led private militia men, shall, from the time of their being drawn to any parts of out and embodied as aforesaid, and until they shall be returned again, by order of their commanding officers, to their respective parishes or places of abode, remain under the command of fuch general officers, and shall be intitled to the same pay as the King's forces. officers and private men in his Majesty's other regiments of foot receive, and no other; and the officers of the militia shall, during such time as aforesaid, rank with the officers of his Majefty's other forces of equal degree with them as the youngest of their rank; and the officers of the militia, and private militia men, shall be hereby, during such time as aforesaid, suband they are to jected and made liable to all fuch articles of war, rules and regulations, as shall be then by act of parliament in force, for the discipline and good government of any of his Majesty's forces in Great Britain; any thing herein contained to the contrary notwithstanding; and when they shall be returned again to their respective parishes or places of abode, they shall be under the same orders and directions only, as they were before they were drawn out and embodied as aforefaid: and if any non-commifsion officer of the militia, or private militia man, shall be maimed or wounded in actual service, he shall be equally intitled to the benefit of Chelsea Hospital, with any non-commifsion officer, or private soldier, belonging to his Majesty's other forces: and if any militia man so ordered to be drawn out and embodied as aforesaid (not labouring under any infirmity incapacitating him to serve as a militia man) shall not appear and march in pursuance of such order, every such militia man, being convicted thereof upon oath, before two or more justices of the peace, shall forfeit and pay the sum of forty pounds; and if fuch militia man shall refuse immediately to pay such penalty, the justices of the peace before whom such militia man shall be so convicted, shall, by warrant, commit such militia man to the common gaol of the county, riding or place, where he shall have been so convicted, there to remain without bail or mainprize for the space of twelve months, or until he shall have paid the penalty aforefaid.

XLVI. And be it further enacted, That if at any time (in cafe of actual invasion, or upon imminent danger thereof, or in case of rebellion) the parliament shall happen to be separated by such adjournment or prorogation as will not expire within fourteen to be summon- days, it shall be lawful for his Majesty, his heirs and successors, ed to meer,&c. to iffue a proclamation for the meeting of the parliament, upon such day as he or they shall thereby appoint, giving fourteen days notice of fuch appointment; and the parliament shall accordingly meet upon fuch day, and continue to fit and act in like



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manner to all intents and purposes, as if it had stood adjourn-

ed or prorogued to the same day.

XLVII. And be it enacted, That no officer serving in the Officers in the militia, when called out into actual service, shall sit in any court militia and martial upon the trial of any officer or foldier ferving in any of army, are not his Majefty's other forces a nor thall any officer ferving in any of to fit indifcrihis Majesty's other forces; nor thall any officer serving in any of minately on his Majesty's other forces, sit in any court martial upon the trials for oftrial of any officer or private man serving in the militia.

XLVIII. And be it enacted, That it may and shall be law-mitted by the ful for the mayors, bailiffs, constables, tythingmen, headbo-corps. roughs, and other chief magistrates, and officers of cities, Officers and towns, parishes, tythings, villages and other places, within private men, that part of Great Britain called England, the dominion of Wales, when called and the town of Berwick upon Tweed, and in their default or annual exerabsence, for any one justice of the peace inhabiting in or near cite, are to be any fuch city, town, parish, tything, village or place, and for quartered on no others, and they are hereby required to quarter and billet the publick officers and private men ferving in the militia, at the times when houses, &c. they shall be called out to their annual exercise, in inns, livery stables, ale-houses, victualling-houses, and all houses of perions felling brandy, strong waters, cyder or metheglin by retail.

fences com-

XLIX. And be it enacted, That in case of actual invasion, In case of inor upon imminent danger thereof, or in case of rebellion as afore- vasion, or refaid, it may and shall be lawful for any justice of the peace of bellion, juany county, riding or place, being duly thereunto required by order from an order from his Majesty, or from his Majesty's lieutenant, or the King, or from any deputy lieutenant of the county, riding or place, or commanding from the colonel, or other chief commission officer upon the officer, &c. place, of any regiment, company or detachment of militia, to are to iffue issue out his warrant under his hand, to the chief constables of carriages for hundreds, rapes, laths, wapentakes or divisions, or to the con- the troops, stables, tythingmen, headboroughs or other officers of the parithes, tythings or places, from, through, near, or to which, any fuch regiment or company of militia men, or any detachment or troop thereof, shall be ordered to march, requiring such chief constables, tythingmen, headboroughs or other officers, to make fuch provision for carriages of the arms, clothes, accoutrements, powder, match, bullets or other warlike materials, with able men to drive such carriages, as is and are mentioned in the faid order; but in case such sufficient carriages and men cannot be provided within any fuch county, riding, hundred, rape, lath, wapentake, division, parish, tything or place, then the next justice or justices of the peace shall, upon such order as aforesaid being shewn unto him or them, issue his or their warrant to the chief constables, constables, tythingmen, headboroughs or other such officers, of the next county, riding, hundred, rape, lath, wapentake, division, parish, tything or place, for the purposes aforesaid, to make up such deficiency of carriages; and fuch lieutenant, deputy lieutenant, colonel or Officer is to other chief commission officer upon the place, who, by virtue of pay for the use

the of such car-

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for which a given him,

and the constables are to order carriages to be furnished accordingly;

for 1 day's journey;

Additional expences to ftock.

Constables, &c. neglectforfeit not exceeding 40s. nor less than 205.

the aforesaid warrant from the said justice of the peace, shall demand fuch carriages of fuch chief constable, constable, tythingman, headborough, or other officer, is and are hereby required at the same time to pay down in hand to the said chief constable, constable, tythingman, headborough, or other officer, for the use of the person who shall provide such carriages and men, the fum of one shilling for every mile any waggon with five horses shall travel; and the sum of one shilling for every mile any wain with fix oxen, or with four oxen and two horses shall travel; and the fum of nine pence for every mile any cart with four horses shall travel; and so in proportion for carriages drawn receipt is to be by a less number of horses or oxen; for which respective sums fo received, the said chief constable, constable, tythingman, headborough, or other officer, is hereby required to give a receipt in writing, to the person or persons paying the same; and fuch chief constable, constable, tythingman, headborough, or other officer, shall order and appoint such person or persons, having carriages within their respective hundreds, rapes, laths, wapentakes, parishes, tythings or places, as they shall think proper, to provide and furnish such carriages and men according to the warrant aforesaid; which persons so ordered, are hereby required to provide and furnish the same accordingly, for one day's journey, and no more; and in case the said chief constables, constables, tythingmen, headboroughs, or other offibe repaid out cers, shall be at any charges for such carriages over and above of the county what is so received by them of his Majesty's said lieutenant, the faid deputy lieutenant, colonel, or other chief officer as aforesaid, such overplus shall be borne by each county, riding or place, where such additional expence shall be incurred, and be repaid to them without fee or reward, by the treasurer of each respective county, riding or place, out of the publick stock.

L. And be it enacted, That if any such chief constable, constable, tythingman, headborough, or other officer, shall wilfully neglect or refuse to execute any such warrant of any justice of ing their duty the peace; or if any person appointed by such chief constable, constable, tythingman, headborough, or other officer, to provide or furnish any such carriage and man, shall wilfully neglect or refuse to provide the same, every such offender shall forfeit a fum not exceeding forty shillings, nor less than twenty shillings, to the use of the poor of the parish, tything or place, where such offence shall be committed, and every such offence shall and may be heard and determined by two justices of the peace within the county, riding or place, where such offence shall be committed; which justices shall, by warrant under their hands and feals, cause the said penalty to be levied by distress and fale of the offender's goods and chattels, rendering the overplus (if any) on demand, after deducting the charges of fuch distress and sale, to such offender upon whom such distress shall have been made as aforefaid.

Militia.not hable to be

LI. Provided always, and be it enacted, That neither this act, nor any matter or thing herein contained, shall be deemed

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or construed to extend to the giving or declaring any power for marched out the transporting any of the militia of this realm, or any way of the kingcompelling them to march out of this kingdom.

LII. Provided always, and be it enacted, That his Majesty's Lieutenants lieutenants of the feveral counties of Cumberland, Huntingdon, for Cumber-Monmouth, Westmoreland and Rutland, and of every county and land, Huntingplace in the dominion of Wales, shall respectively have the chief mouth, Westcommand of the militia thereof, which shall be raised by virtue moreland. of this act; and in all the said counties of Cumberland, Hunt-Rutland and ingdon, Monmouth, Westmoreland and Rutland, and in every counties in county and place within the dominion of Wales respectively, there command of shall be five or more deputy lieutenants appointed (if so many the militia qualified as herein after expressed can be therein found) and the there. estates requisite for the qualification of the respective deputy Number of lieutenants and officers of the militia therein, shall be as follows; tenants. that is to fay, They shall be seised or possessed of such an estate as is in this act mentioned, as a qualification for a deputy lieutenant, colonel or other officer of the militia, in that part of Great Britain called England, in the proportions following: A Deputy lieudeputy lieutenant or colonel shall be in like manner seised or tenant or copossessed of a like estate as aforesaid of the yearly value of three sool, per anhundred pounds, or shall be heir apparent of a person who shall num. be in like manner seised or possessed of a like estate as aforesaid, of the yearly value of five hundred pounds; a lieutenant colo- Lieutenantconel or major shall be in like manner seised or possessed of a like lonel, or maestate as aforesaid, of the yearly value of two hundred pounds, jor, 2001. or shall be heir apparent of a person who shall be in like man-per annum. ner seised or possessed of a like estate as aforesaid, of the yearly value of four hundred pounds; a captain shall be in like man- Captain rool. ner seised or possessed of a like estate as aforesaid, of the yearly value of one hundred and fifty pounds, or shall be fon of a perion who shall be, or, at the time of his death, was in like manner scised or possessed of a like estate as aforesaid, of the yearly value of three hundred pounds; a lieutenant shall be in like manner seised or possessed of a like estate as aforesaid, of the Lieutenant yearly value of one hundred pounds, or shall be son of a per- 1001. per anfon who shall be, or, at the time of his death, was in like num. manner seised or possessed of a like estate as aforesaid, of the yearly value of two hundred pounds; an enfign shall be in like Enfign sol. manner seised or possessed of a like estate as aforesaid, of the per annum. yearly value of fifty pounds, or shall be son of a person who shall be, or at the time of his death was, in like manner seised or possessed of a like estate as aforesaid, of the yearly value of one hundred pounds; one half of all which respective estates A moiety of shall be situate or arising within the said counties and places re- lie in the spectively: and in all the said counties of Cumberland, Hunting-county for don, Monmouth, Westmoreland and Rutland, and in all the said which they feveral counties and places within the faid dominion of Wales act. respectively, the penalties for acting not being duly qualified, or Penalties for acting, not be not having delivered in such qualification and taken the oaths, ing qualified, and made, repeated and subscribed the declaration aforesaid, shall &c. for a de-

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nant, or field officer rool. and for all under, 591.

Powers given to two deputy lieutenants.

Governor of the ifle of Wight is to appoint his officers, to act as lieutenants of counties, and appoint deputies; who are to be qualified and act as like officers for Wales; and the militia is to be railed as in the county of part thereof, &cc.

Militia of Purbeck is to be separate from that of Durlet; and so men are to be

be, for a deputy lieutenant or field officer one hundred pounds; and for a captain, lieutenant or enfign fifty pounds; fuch feveral penalties to be recovered by action of bill, plaint or information, in any of his Majesty's courts of record at Westminfler, wherein no essoin, wager of law or protection, or more than one imparlance shall be allowed; one moiety whereof shall go to the use of the person who thall sue for the same, and the other moiety to the uses herein after directed; and any two or more deputy lieutenants within the faid counties of Cumberland, Huntingdon, Monmouth, Westmoreland and Rutland, and within all the faid several counties and places within the faid dominion of Wales respectively, shall have and exercise all and every the powers conferred by this act on any three deputy lieutenants, or on any two deputy lieutenants, together with any one justice of the peace, or on any one deputy lieutenant, together with any two justices of the peace, of any county, riding or place within that part of Great Britain called England.

LIII. And whereas the ordering the militia in the ifle of Wight, has always been in the governor or lieutenant governor of the faid island: and whereas from the length of time since the militia thereof was raifed, the raifing the same in manner heretofore accustomed, may be attended with many difficulties; be it enacted, That the governor of the faid island shall appoint the officers of the militia to be raifed in the faid island, and shall and is hereby impowered and required to act, in the execution of this act, in the same manner as his Majesty's lieutenants of counties are hereby impowered and required to act; and shall appoint five or more deputies to act with him in and for the faid island; which deputies and officers of the militia shall be qualified in the same manner, and are hereby impowered and required to act, in the execution of this act, in the same manner, and under the same directions, provisions and penalties, as deputy lieutenants and officers of the militia in the feveral counties within the dominion of Wales are by this act subject to; and the militia of the faid island shall be raised in the same manner as the militia of the county of Southampton, and shall be deemed a part of the militia of the faid county; and after the fame bouthampton, shall be so raised, the said governor, lieutenant governor, and and deemed a deputies, shall order and direct the training and exercising the faid militia within the faid island, in the same manner as his Majesty's lieutenants, and the deputy lieutenants, are by this act authorized and directed to do in any county within that part of Great Britain called England.

LIV. Provided always, and be it enacted, That the militia of the island of Purbeck shall remain separate from that of the county of Dorfet, as heretofore has been used; and the number of militia men to be raited for the faid itland, shall be eighthe county of ty, part of fix hundred and forty appointed by this act to be raised for the county of Dorset, with the county of the town of Poole, with a field officer, and other proper officers; and the raised therein, said island shall, as to all the purposes of this act, be considered

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as if it were a distinct county o. elf; and all the powers given with a field and provisions made by this act with respect to counties, and the officer, &c. militia thereof, shall take place and be in force with respect to the faid island and the militia thereof, except only as to the feveral particulars herein expressed, and otherwise provided for; that is to fay, The number of deputy lieutenants to be appoint- Three or ed for the faid island shall be three, or more (if so many duly more deputy qualified can be therein found) any two of which faid deputy lientenants; lieutenants shall have and exercise all the powers conferred by this act on any three deputy lieutenants of any county, or on any two deputy lieutenants, together with any one justice of the peace, or on any one deputy lieutenant, together with any two justices of the peace, of any county; and the estates requisite for the qualification of the deputy lieutenants and officers of the militia in the faid island, shall be as follows; a deputy lieutenant and field officer tha" be feifed or possessed of such an estate, and in Deputy lieutelike manner, as is in this act before mentioned, as a qualification nants or field for a deputy lieutenant, colonel or other officer of the militia, 2001. per anof the yearly value of two hundred pounds; a captain shall be num. in like manner feised or possessed of a like estate as aforesaid, of Captain 1001. the yearly value of one hundred pounds, or be heir apparent of per annum. a person who shall be in like manner seised or possessed of a like estate as aforesaid, of the yearly value of two hundred pounds; a lieutenant or ensign shall be in like manner seised or possessed Lieutenant or of a like estate as aforesaid, of the yearly value of fifty pounds, ensign sol. or be fon of a person who shall be, or at the time of his death was, in like manner feifed or possessed of a like estate as aforefaid, of the yearly value of one hundred pounds; one half of all which estates respectively shall be situate or arising within the faid island; and the penalties for acting as deputy lieutenants, and other officers, of the militia of the faid island, not being Penalties for duly qualified, or not having delivered in their qualification, and acting, not betaken the oaths, and made, repeated and subscribed, the decla-ing qualified, ration as aforesaid, shall be, for a deputy lieutenant, or field offi-&c. are, cer, fixty pounds; and for a captain, lieutenant or enfign, thir-for a deputy ty pounds; fuch several penalties to be recovered by action of lieutenant or debt, bill, plaint or information, in any of his Majesty's courts field officer of record at Westminster, wherein no essoin, wager of law, for all under, protection, or more than one imparlance, shall be allowed; 301. one moiety whereof shall go to the use of the person who shall fue for the same, and the other moiety to the uses herein after

directed. LV. Provided always, and be it enacted, That in all cities The lieuteor towns which are counties within themselves, and have here-nants of cities and towns tofore been impowered by law, or ancient usage, to raise and which are train a separate militia within their several precincts and liber-counties withties, and which are by this act united with and made part of in themany county or counties for the purposes of this act only, his selves, or the chief Majesty's lieutenants of such cities or towns, or where there is magistrate, no lieutenant appointed by his Majesty, the chief magistrate of is to appoint fuch city or town shall appoint five or more deputy lieutenants deputy lieu-

(if tenants and others, &c.

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ties

(if fo many persons qualified as is herein after expressed, can therein be found) and shall also appoint officers of the militia, whose number and rank shall be proportionable to the number of militia men which fuch city or town shall raise, as their quota towards the militia of the county to which fuch city or town is by this act united for the purposes aforesaid, the qualification of which officers respectively shall be as is herein after mentioned; and all powers given and provisions made by this act, with respect to counties at large, and the militia thereof, and the registering the qualifications of deputy lieutenants and officers, shall take place and be in force with respect to the said cities and towns, and the militia thereof, and the registering the said qualifications, except only as to the particulars herein expressed and otherwise provided for; that is to say, after the number of perfons which fuch city or town is to furnish to the militia shall have been appointed as aforefaid by his Majesty's lieutenant, and the deputy lieutenants, or by the deputy lieutenants of the county at large, of the militia, whereof the militia of fuch city or town is by this act made a part, any two or more of the deputy lieutenants within such city or town shall have and exercise all the powers conferred by this act on any three deputy lieutenants, or on any two deputy lieutenants, together with any one justice of the peace, or any one deputy lieutenant, together with any two justices of the peace of any county at large: and the value of the respective qualifications of the deputy lieutenants and offifield officer, to cers of the militia of fuch cities or towns, shall be as follows; have 3001. per every deputy lieutenant and field officer shall respectively be seifann or socol ed or possessed of such an estate, and in like manner as is in this act before mentioned, as a qualification for a deputy lieutenant, colonel, or other officer of the militia, in manors, messuages, lands, tenements or hereditaments, in England, Wales, or the town of Berwick upon Tweed, of the yearly value of three hundred pounds, or shall be possessed of a personal estate alone, to Captain 1501. the amount or value of five thousand pounds; and the qualification of a captain shall be a like estate as aforesaid, of the yearly value of one hundred and fifty pounds, in manors, messuages, lands, tenements or hereditaments, or personal estate alone, to the amount or value of two thousand five hundred pounds; and the enfign 50l. or qualification of a lieutenant or enfign shall be a like estate as a-7501. personal foresaid, of the yearly value of fifty pounds, in manors, messuages, lands, tenements or hereditaments, or personal estate alone, to the amount or value of seven hundred and fifty pounds; one half of all which real estates respectively shall be situate or arifing within fuch city or town, or within the county at large to which fuch city or town is by this act united for the purposes aforesaid; and in all such cities and towns, the penalties for acting not being duly qualified, or not having delivered in such qualification, or not having taken the oaths, and made, repeated and subscribed the declaration aforesaid, shall be, for a deputy lieutenant or field officer, one hundred pounds; and for a captain, lieutenant or enfign, fifty pounds; fuch feveral penal-

Deputy lieutenant and personalestate.

per ann or 2500l. personal estate.

Lieutenant or estate.

Penalties for acting if not qualified, &c.

for a deputy lieutenant or held officer

ties to be recovered by action of debt, bill, plaint or informa- rool for all tion, in any of his Majesty's courts of record at Westminster, under sol. wherein no essoin, wager of law, or protection, or more than one imparlance shall be allowed; one moiety whereof shall go to the use of the person who shall sue for the same, and the other moiety to the uses herein after directed; and his Majesty's lieu- Lieutenants tenants, and the chief magistrates of such cities or towns, being and chief macounties in themselves respectively, shall, and they are hereby gittrates to exrequired to put the powers conferred by this act, for raising and within the faid training the militia within such cities or towns, into execution; cities and but the militia of such cities and towns as aforesaid, being by towns; but this act declared to be part of the militia of the counties to to join that of which fuch cities and towns are united for the purposes afore- the county at faid, the militia of such cities or towns shall annually join the thegeneral exmilitia of the county to which fuch cities or towns are so united ercise in Whitfor the purposes aforesaid, and the whole militia so joined toge- sun week. ther, shall be exercised together at the general annual exercise in Whit fun week, and shall then, and also in time of actual service, be deemed the militia of the county to which fuch cities or towns

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are to united for the purposes aforesaid.

LVI. And be it enacted, That all fines, penalties and forfei- Recovery of tures by this act imposed, the manner or recovery whereof is not penalties not in this act particularly provided for, shall on proof upon oath of otherwise prothe offence before any justice of the peace of the county, riding vided for. or place where the offence shall be committed, be levied by distress and sale of the offender's goods and chattels, by warrant under the hand and feal of fuch justice, rendering the overplus (if any) on demand, after deducting the charges of such distress and fale, to the offender upon whom such distress shall have been made; and where the goods and chattels of fuch offender shall not be sufficient to answer such distress, such justice is hereby required to commit such offender to the common gaol of the county, riding or place where the offence shall have been committed, for any time not exceeding three months: and all fines, penalties and forfeitures by this act imposed, the application Fines and penalties and forfeitures by this act imposed, the application palties not a whereof is not otherwise particularly provided for, shall be paid therwise proto the clerk of the regiment or battalion, and shall be made a vided for, to common stock in each subdivision wherein the same shall so be paid to the arise; and the said clerk shall give a particular account thereof, clerk of the reas it shall arise, to any three deputy lieutenants, or to any two made a comdeputy lieutenants, together with any one justice of the peace, or mon stock, to any one deputy lieutenant, together with any two justices of the peace at their next meeting within the several subdivisions; and the faid deputy lieutenants, or any three of them, or any two and to be apdeputy lieutenants, together with any one justice of the peace, or plied in erectany one deputy lieutenant, together with any two justices of ing butts, and the peace, shall cause butts to be erected in some convenient providing place or places, and shall direct the clerk of the regiment or ball, battaken to buy and provide, with some part of the money so arising, a proper quantity of gunpowder and ball, to be used at proper times by the militia men in shooting at marks, and to

and in priza to the best markimen,

Persons committed to the house of correction to be kept to hard labour. Proof of qualification, in all fuits, is to be on the defendant.

Orders of the lieutenants, &c. not removeable by certiorari,

nor execution, to be superseded thereby,

Provision lies in two counties.

Inhabitants of Wokingham to be trained with the militia of Berks; of Filey, to ferve in the eaft riding of York, ercifed with that of Worthenbury; and of faint Martin, Stamford of Lincoln. The tinners in Devon and

apply and dispose of such other part of the money aforesaid as they shall think reasonable, in some prize or prizes to be given to such militia man or men as shall, by the commanding officer then present, be adjudged to be the best marksman or marksmen, and to apply the residue thereof to other contingencies relating to the militia within fuch fubdivision; and that in all cases when any person shall be committed to the house of correction by virtue of this act, he shall during the time of such commitment, be kept to hard labour in such house of correction.

LVII. And be it enacted, That in every action, suit or information, brought against any person for acting as a deputy lieutenant, colonel, lieutenant colonel, major, captain, lieutenant or ensign, not being qualified as herein before is directed, the proof of this qualification shall lie upon such person against whom the

fame is brought.

LVIII. Provided also, and be it enacted, That no order made by any of his Majesty's lieutenants, or by any one or more deputy lieutenants, or by any two deputy lieutenants, together with any one justice of the peace, or by any one deputy lieutenant, together with any two justices of the peace, or by any justice or justices of the peace, by virtue of this act, shall be removed by tertiorari out of the county, riding, division, place, city or town wherein fuch order was made, into any court; and that no writ or writs of certiorari shall supersede execution or other proceedings, upon any such order so made in pursuance of this act, but that execution and other proceedings shall and may be had and made thereupon; any fuch writ or writs, or allowance thereof notwithstanding.

LIX. Provided always, and be it enacted, That where any where a parish parish shall lie in more counties or ridings than one, the inhabitants of such parish shall serve in the militia of that county or riding wherein the church belonging to such parish is situated.

LX. Provided always, and be it enacted, That the inhabitants of the town and parish of Wokingham shall serve in, and be trained and exercised with the militia of the county of Berks.

LXI. Provided always, and be it enacted, That the inhabitants of the township of Filey, shall serve in the militia of the east riding of the county of York; any thing herein contained to the contrary notwithstanding.

LXII. Provided always, and be it enacted, That the inhabiwood, in Plint, tants of Threapwood shall serve in the militia of the county of and to be ex- Flint, and thall be trained and exercised with the militia of the

parish of Worthenbury within the said county.

LXIII. Provided always, and be it enacted, That the inhabitants of and in the parish of faint Martin, called Stamford Baron in the fuburbs of the borough and town of Stamford, on Baron, &c. to the fouth fide of the waters there called Welland, shall serve in the ferve in that militia of the county of Lincoln.

LXIV. Provided always, and be it enacted, That nothing in this act contained shall extend to the tinners in the counties Cornwall to be of Devon and Cornwall, but the lord warden of the stannaries for

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the time being, in pursuance of his Majesty's commission in that under lord behalf, and such as he shall commissionate and authorize under him, warden of the may and thall have and use the like powers, and array, affess, arm, muster and exercise the said tinners within the said counties, and either of them, as hath been heretofore used, and according to the ancient privileges and customs of the said stannaries.

LXV. Provided always, and be it enacted, That his Majesty's Lieutenants lieutenants who are or shall be commissioned for the militia of for London to the city of London, may and shall continue to list and levy the trained bands trained bands and auxiliaries of the faid city in manner as as heretofore.

heretoforc.

LXVI. Provided also, and be it enacted, That whereas the militia of the Tower division in the county of Middlesex, commonly Lnown by the name of the Tower Hamlets, is and always have been under the command of his Majesty's constable of the Tower, or lieutenant of the Tower Hamlets, for the service and preservation of that royal fort; it shall be lawful for his Majesty's said constable or lieutenant for Militia of the the time being, from time to time to appoint his deputy lieute- Tower Hamnants, and to give commissions to a proper number of officers, lets to be unto train and discipline the militia to be raised within and for the ble of the towfaid division or hamlets, pursuant to this act; and to form the er, who is to same into two regiments of seven companies each, in such man- appoint hisdener as the faid constable or lieutenant hath used to do; and to puty lieuteappoint a serjeant major, a drum major, and a clerk, for the said nants, &c. militia; and also that for defraying the necessary charge of trophies and other incident expences of the militia of the fame division or hamlets, it shall be lawful for his Majesty's said constable or lieutenant, to continue to raise in every year, the proportion of a fourth part of one month's affeffment of trophy money within the faid division or hamlets, in such manner as he hath used to do by virtue and in pursuance of an act of the thirteenth and fourteenth years of the reign of King Charles the Se- 13 & 14 Car. 2. cond, intituled, An act for ordering the forces in the several counties c. 3. of this kingdom; any thing in this act contained to the contrary in any wife notwithstanding.

LXVII. And be it further enacted, That his Majesty's said and to appoint constable of the Tower, or lieutenant of the Tower Hamlets, shall a treasurer of appoint a treasurer of the said trophy money, for receiving and the trophy paying fuch monies as shall be levied by virtue thereof, which faid treasurer shall yearly account in writing, and upon oath for the same, to the said lieutenant, or his deputy lieutenants, or any three or more of them, which oath they shall have power to administer; and which accounts for the same shall be certified to the justices of the peace for the said division at their next general or quarter fessions; and that the said lieutenant shall not iffue warrants for raifing any trophy money, until the justices of the peace, or the major part of them at fuch fessions, shall have examined, stated and allowed the accounts of the trophy money raised, levied and collected for the preceding year, and certified the same under the hands and seals of four or more such justices.

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unless in case where it shall appear to such justices, that by reason of the death of such treasurer, or otherwise such accounts cannot be paffed.

Powers granted by former acts to the lord warden of the cinque

lieutenants,

referved;

of the faid

ports to re-

main separate

LXVIII. Provided always, and be it enacted, That the lord warden of the cinque ports, two ancient towns, and their members, and in his absence his lieutenant or lieutenants, may and shall put in execution within the faid ports, towns and members, ports, and his all the powers and authorities given and granted by any formeract or acts; and may and shall execute and perform all and every the things therein contained, in like manner as his Majesty's respective lieutenants of counties and their deputy lieutenants may do; and may keep up and continue the usual number of soldiers in the faid ports, towns and members, unless he or they find cause and the militia to lessen the same; and the militia of the said ports, towns and members, shall remain separate from the militia of the several counties within which the faid ports, towns and members are fituate; any thing herein contained to the contrary notwith-

from that of standing. the county. LXIX. Provided always, and be it enacted, That nothing Persons doing in this act contained shall extend, or be construed to extend, to duty in the subject any persons mustered, trained and doing duty in any King's docks

of his Majesty's docks for the defence thereof, to the service in the militia; any thing herein contained to the contrary not-

withstanding.

Repeal of all railing of the mulitia.

exempted.

LXX. And be it enacted, That all former acts relating to the formeracts for raifing of the militia within that part of Great Britain called England, and the dominion of Wales, shall from and after the first day of May one thousand seven hundred and fifty seven, be repealed, except in such cases as are herein specially directed to be subject to the provisions of the said former acts, or any of them.

On death of a lieutenant, deputy is to act till a new

LXXI. Provided always, and be it enacted, That on the death of any of his Majesty's lieutenants, his deputy lieutenants shall continue to act and exercise all the authorities by this act one is appoint- committed to them, until his Majesty shall have appointed another lieutenant, and until commissions of deputy lieutenancy shall be by him issued.

Limitation of actions.

LXXII. Provided always, and be it enacted, That if any fuit or fuits shall be brought or commenced against any person or persons for any thing done in pursuance of this act, the action shall be laid in the county where such action did arise, and not elsewhere; and the defendant or defendants in such action or actions to be brought, may plead the general issue, and give this act and the special matter in evidence; and if the jury thall find for the defendant or defendants in fuch action or actions, or if the plaintiff or plaintiffs shall be nonsuited, or discontinue his or their action or actions, after the defendant or defendants shall have appeared; or if upon demurrer, judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants thall have treble costs, and have the like remedy for the same as any defendant or defendants hath or have in other cases to recover cofts by law.

General issue.

Treble cofts.

LXXIII. Pro-

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LXXIII. Provided always, and be it enacted by the authority Act to be in aforefaid, That this act shall continue and be in force for the force for five space of five years, and from thence to the end of the then next fession of parliament, and no longer.

CAP. XXVI.

An all for granting to bis Majesty certain sums of money out of the finking fund; and applying certain monies remaining in the exchequer, and the savings out of the monies granted in this session of parliament for the pay of the troops of Hanover, for the service of the year one thousand seven bundred and fifty seven; and for further appropriating the supplies granted in this session of parliament; and for relief of Claud Johnson, with respect to a bond entered into by bim, for securing the duties on tobacco imported by George Buchanan and William Hamilton.

XIE your Majesty's most dutiful and loyal subjects the commons of Great Britain in parliament affembled, being defirous to raife the residue of the necessary supplies which we have chearfully granted to your Majesty in this session of parliament, by ways and means the least burthensome to your Majesty's subjects, have resolved to give and grant to your Majesty the sums herein after mentioned; and do therefore most humbly beseech your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That by or out of such monies as have arisen, Towards the or shall or may arise, and be and remain in the receipt of the supplies in geexchequer, of the furplusies, excesses, overplus monies, and other neral, granted revenues composing the fund, commonly called the Sinking Fund for the service (after paying or referving fufficient to pay, all fuch fums of of the year money as have been directed by any former act or acts of parliament to be paid out of the fame) there shall and may be issued and applied a sum, not exceeding three hundred thousand pounds, for and towards the supply granted to his Majesty for the service 300,000l. is to of the year one thousand seven hundred and fifty seven; and the the finking commissioners of his Majesty's treasury or any three or more of fund. them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, are hereby authorized and impowered to iffue and apply the same accordingly.

II. And be it further enacted by the authority aforesaid, That 50,4911. 178. the fum of fifty thousand four hundred ninety one pounds seven- 8d. 2q. surplus teen shillings and eight pence half penny, remaining in the receipt remaining in of the exchequer, disposeable by parliament for the publick fer- the exchequer vice, of the income of the surplusses, excesses, overplus monies, fund on 5 Aand other revenues composing the faid fund commonly called pril 1757. the Sinking Fund, for the quarter ended the fifth day of April

1757.

one thousand seven hundred and fifty seven, shall and may be in like manner issued and applied at the faid receipt for and

towards the faid supply.

849,5081. 28. 3d. sq. as the fame shall arife into the exchequer out of the faid fund.

III. And be it further enacted by the authority aforelaid, That by or out of such monies as shall thereafter from time to time be and remain in the receipt of the exchequer, of the furpluffes, excesses, overplus monies, and other revenues composing the faid fund commonly called the Sinking Fund, after paying or referving sufficient to pay all such sums of money as have been directed by any former act or acts of parliament to be paid out of the same, there shall and may in like manner be issued and applied a farther sum not exceeding eight hundred forty nine thousand five hundred eight pounds two shillings and three pence half penny, for and towards the faid supply.

\$6,190l. 58. 3d. furplus remaining in the exchequer of the duties on licences for retailing fpirituous liquors. 140,5681. 58. 2d. 2q. overplus remaining in the exchequer of the grants for 1756. 19,4161. 148. 9d. 2d. favings in the pay of the troops of Hanover.

IV. And be it further enacted by the authority aforesaid, That the sum of sixteen thousand one hundred and ninety pounds five shillings and three pence remaining in the receipt of the exchequer, on the tenth day of October one thousand seven hundred and fifty fix, of the furplus of the duties on licences for retailing spirituous liquors; and also the sum of one hundred forty thousand five hundred fixty eight pounds five shillings and two pence half penny remaining in the receipt of the exchequer, being the overplus of the grants for the service of the year one thousand seven hundred and fifty fix; and also the sum of nineteen thousand four hundred and sixteen pounds fourteen shillings and nine pence half penny, being the favings out of the monies. granted in this fession of parliament, for the pay of the troops of Hanover in the pay of Great Britain, shall and may be in like manner issued and applied at the faid receipt for and towards the faid supply.

On want of the fum of \$49,5081. 25. 3d. 2d. treacredit of the finking fund to compleat the faid fum;

V. And whereas it may so happen that there may be a want of money for carrying on the current service of the year one thousand seven money to pay bundred and fifty seven, before monies sufficient may have arisen into the exchequer from the said surplusses, excesses or overplus monics commonly called The Sinking Fund, to fatisfy and pay the faid fum of fury may take eight hundred forty nine thousand five hundred and eight pounds two in loans on the shillings and three pence balf penny by this all granted; in such case, It shall and may be lawful to and for the said commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commisfioners of the treasury for the time being, by warrant or warrants under his or their hands, to permit and fuffer any person or perfons, or body or bodies politic or corporate, to advance and lend unto his Majesty, at the receipt of his exchequer, so much money as, together with the monies then remaining in the faid exchequer, of the faid surplusses, excesses or overplus monies, shall be wanting to compleat the faid fum of eight hundred forty nine thousand five hundred eight pounds two shillings and three pence half penny, upon credit of the growing produce of the faid surplusses, excesses or overplus monies, and to be repaid out

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of the same as they shall quarterly afterwards arise, together the same to be with interest for the forbearance thereof, in the mean time; repaid quarance thing herein contained to the contrary notwithstanding any thing herein contained to the contrary notwithstanding.

VI. Provided always, and it is hereby enacted by the autho-rity aforesaid, That all the monies coming into the exchequer, of the supplies either by loans or exchequer bills, upon one act of this in general. session of parliament, intituled, An act for granting an aid to his The monies Majesty by a land tax to be raised in Great Britain, for the service arising by the of the year one thousand seven hundred and fifty seven; and for disland tax, c. 3. charging certain arrears of land taxes incurred before the time therein mentioned; and for the more effectual collecting of arrears for the future; and so much money, if any such be, of the tax thereby granted, as shall arise or remain after all the loans or exchequer bills made or to be made on the same act, and all the interest, premium, rate and charges thereon; and the charges thereby allowable for raising the said land tax, shall be satisfied, or money fufficient shall be reserved in the exchequer, to satisfy and discharge the same; and also all the monies coming into the exchequer, either by loans or exchequer bills, upon one other act of parliament of this session of parliament, intituled, An act Malt tax, c. 4. for continuing and granting to his Majesty certain duties upon malt, mum, cyder and perry, for the service of the year one thousand seven bundred and fifty seven; and concerning the interest to be paid for monies to be borrowed, as well on the credit of this act, as on the credit of an act of this session of parliament, for granting an aid to his Majesty by a land tax; and so much money, if any fuch be, of the duties thereby granted, as shall arise or remain after all the loans or exchequer bills made or to be made on the fame act; and all the interest, premium, rate and charges thereon; and the charges thereby allowable for raising the said duties, thall be fatisfied, or money sufficient reserved in the exchequer. to fatisfy and discharge the same; and also all the monies coming into the exchequer, by contributions to a lottery, granted by one other act of this session of parliament, intituled, An act for granting to his Majesty a sum not exceeding one million fifty thousand Lottery act, five pounds and five Shillings, to be raised by way of lottery; and also all the monies coming into the exchequer by contributions for annuities, granted by one other act of this fession of parliament. intituled, An act for granting to his Majesty several rates and duties upon indentures, leases, bonds and other deeds; and upon news papers, Stamp duties, advertisements, and almanacks; and upon licences for retailing wine; c. 19. and upon coals exported into foreign parts; and for applying, from a certain time, the sums of money arising from the surplus of the duties on licences for retailing spirituous liquors; and for raising the sum of three millions, by annuities, to be charged on the faid rates, duties, and Jums of money; and for making perpetual an act made in the second year of the reign of his present Majesty, intituled, An act for the better regulation of attornies and folicitors; and for enlarging the time for filing affidavits of the execution of contracts of clerks to attornies and folicitors; and also the time for payment of the duties omitted to be paid for the indentures and contracts of clerks and appron-

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tices;

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Million act, C. 23.

and other fums remaining in &c. aids in general, 3,283,9391. 78. 7d. towards herein specied.

tices; and also a sum not exceeding one million, granted by one other act of this session of parliament, intituled, An act for enabling his Majesty to raise the sum of one million for the uses and purposes therein mentioned; and also the several and respective sums by this act granted, shall be further appropriated, and are hereby appropriated for and towards the several uses and purposes herein the exchequer, after expressed; that is to say, it is hereby enacted and declared by the authority aforesaid, That out of all or any the aids or Viz. Out of the supplies provided as aforesaid, there shall and may be issued and applied, any sum of sums of money, not exceeding three millions two hundred eighty three thousand nine hundred thirty nine paval services, pounds seven shillings and seven pence, for and towards the naval services herein after particularly expressed; that is to say, for or towards victuals, wages, wear and tear of the navy, and the victualling thereof, performed and to be performed; and for or towards sea services, in the office of ordnance, performed and to be performed; and for and towards defraying the ordinary of his Majesty's navy; and for half pay to sea officers; and for or towards maintaining eleven thousand four hundred and nineteen marines; and for or towards the buildings, re-buildings, and repairs, of his Majesty's ships, for the said year.

VII. And it is hereby also enacted by the authority aforesaid, That out of all or any of the aids or supplies aforesaid, there shall and may be iffued and applied any fum or fums of money, not exceeding two hundred thousand pounds, towards paying off and

discharging the debt of the navy.

10,000l. for

10,000l. to-

wich hospital.

200,000l. towards paying

off the navy

debt.

VIII. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall near Plymouth. and may be iffued and applied any fum or fums of money, not exceeding ten thousand pounds, for or towards purchasing of land near Plymouth, and carrying on the works of an hospital intended to be erected thereon, for the reception of fick and wounded men belonging to his Majesty's fleet.

IX. And it is hereby enacted by the authority aforesaid, That wards the sup- out of all or any the aids or supplies aforesaid, there shall and may port of Green- be iffued and applied any fum or fums of money, not exceeding ten thousand pounds, upon account, towards the support of the royal hospital at Greenwich, for the better maintenance of the feamen of the faid hospital, worn out and become decrepit in the

fervice of their country.

437,6201. 8s. 9d. towards the office of ordnance for land fervice.

X. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be iffued and applied any fum or fums of money, not exceeding four hundred thirty seven thousand six hundred twenty pounds eight shillings and nine pence, for the charge of the office of ordnance for land fervice for the year one thouland feven hundred and fifty seven, performed and to be performed, and for defraying the extraordinary expence of the office of ordnance for land service, for the year one thousand seven hundred and fifty fix, not provided for by parliament. XI. And

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XI. And it is hereby also enacted by the authority aforesaid, 2,516,1181. That out of all or any the aids or supplies provided as aforesaid, wards the land there shall and may be issued and applied any sum or sums of forces in genemoney, not exceeding two millions five hundred fixteen thousand ral; one hundred eighteen pounds eleven shillings and a half penny, for and towards maintaining his Majesty's land forces, and other fervices herein after more particular expressed; that is to say, Any sum or sums of money, not exceeding one million two of which hundred thirteen thousand seven hundred forty six pounds three 1,213,746l. 32.

Thillings and nine pence, for defraying the charge of forty nine and garrisons, thousand seven hundred and forty nine effective men, including &c. in Great commission and non-commission officers; and also four thousand Britain, and eight invalids, for guards, garrisons, and other his Majesty's Guernsey, and land forces in Great Britain, Guernsey and Jersey, for the year Jersey. one thousand seven hundred and fifty seven; and any sum or 423,9631. 16s. fums of money, not exceeding four hundred twenty three rod for guards thousand nine hundred fixty three pounds fixteen shillings and and garrisons, ten pence, for maintaining his Majesty's forces and garrisons in &c. in the planthe plantations, and Gibraltar, and for provisions for the garrisons raltar, Nova in Nova Scotia, Newfoundland, Gibraltar, and Providence, for the Scotia, Newyear one thousand seven hundred and fifty seven; and any sum foundland and or fams of money, not exceeding forty seven thousand fixty Providence. pounds fifteen shillings and ten pence, for the pay of the general 47,060l. 158. and general staff officers, and officers of the hospitals for his staff officers Majefty's land forces, for the year one thousand seven hundred and officers of and fifty seven; and any sum or sums of money, not exceeding hospitals of his thirty thousand pounds, upon account, for out-pensioners of forces.

Chelsea hospital, for the year one thousand seven hundred and 30,000l. for fifty feven; and any fum or fums of money, not exceeding the out pentiforty fix thousand twenty two pounds and five shillings, for oners of Cheldefraying the charge of two highland battalions of foot, raised lea hospital. or to be raised for his Majesty's service, for the year one thousand 46,0221. 58. for feven hundred and fifty feven; and any fum or fums of money, tallions of foot. not exceeding two thousand three hundred and fifty pounds, for 2,350l. for the paying of pensions to the widows of such reduced officers of his pensions of of-Majesty's land forces and marines, as died upon the establishment ficers widows, of half pay in Great Britain, and who were married to them be- &c. fore the twenty fifth day of December one thousand seven hundred and fixteen, for the year one thousand seven hundred and fifty feven; which said sum of two thousand three hundred and fifty to be issued by pounds shall be issued to such person or persons as his Majesty order under shall by warrant or warrants under his royal sign manual direct his Majesty's and appoint to receive the same, to be by him or them paid over to fuch widows of half pay officers, or their assigns, according to such establishments, lists or other directions, and with and subject to such conditions, qualifications, and other allowances for the same, as his Majesty by such and the like warrant or warrants shall be graciously pleased to direct and appoint; and 3.321l. 16s. 3d. any fum or fums of money, not exceeding three thousand three and gentlemen hundred twenty one pounds fixteen shillings and three pence, of horse guards M 2

for &c. reduced.

33,000l. to the reduced officers of the land forces and marines. half pay itaff officers of the late garrison at Minorca.

48,9261. 25. ferving in North America, and the East Indies.

111,570le 191. traordinary expences of land forces and other fervices in 1756. ed from the landgrave of Heffe Caffel.

155,8401. 10s. for German pay to the Caffel.

1757. for defraying the charge for allowances to the feveral officers and private gentlemen of the two troops of horse guards, and regiment of horse reduced, and to the superannuated gentlemen of the four troops of horse guards, for the year one thousand seven hundred and fifty seven; and any sum or sums of money, not exceeding thirty three thousand pounds, upon account, for the reduced officers of his Majesty's land forces and marines, for the year one thousand seven hundred and fifty seven; and any sum or fums of money, not exceeding five hundred seventeen pounds 5171. 18. 8d. to one shilling and eight pence, for defraying the charge of half pay to certain staff officers of the late garrison at Minorca, videlicet, To the secretaries to the governor of the island of Minorca, the captain of the ports there, the lieutenant governor of fort faint Philip, and the surgeon of the garrison of fort saint Philip, for the year one thousand seven hundred and fifty seven; and any sum 6d. for troops or fums of money, not exceeding forty eight thousand nine hundred twenty fix pounds two shillings and fix pence, for defraying the charge of four regiments of foot, on the Irish establishment serving in North America and the East Indies, and augmenting major general Offarrell's regiment of foot, for the year one thousand seven hundred and fifty seven; and any sum or fums of money, not exceeding one hundred eleven thousand 7d 2q for ex- five hundred seventy pounds nineteen shillings and seven pence half penny, for defraying the extraordinary expences of his Majesty's land forces, and other services, incurred in the year one thousand seven hundred and fifty fix, and not provided for by parliament; and any fum or fums of money, not exceeding 57,9631.78.1d. fifty seven thousand nine hundred sixty three pounds seven for troops hir-shillings and one penny, for defraying the charge of six thousand five hundred and forty four foot, with the general and staff officers, and train of artillery, the troops of the landgrave of Heffe Caffel, in the pay of Great Britain, from the twenty fifth day of December one thousand seven hundred and fifty six, to the twenty feventh day of May one thousand seven hundred and fifty seven, both inclusive; and any sum or sums of money, not exceeding one hundred fifty five thouland eight hundred forty pounds and ten shillings, towards defraying the charge of German pay, for fix thousand fix hundred foot, with the general troops of Hesse and staff officers, and train of artillery, the troops of the landgrave of Hesse Cassel, in the pay of Great Britain, from the twenty eighth day of May to the twenty fourth day of December one thousand seven hundred and fifty seven, both inclusive; towards defraying the charge of German pay, for one thousand and four hundred horse, with the officers of the hospital, the troops of the faid landgrave in the pay of Great Britain, from the twenty seventh day of April to the twenty fourth day of December one thousand seven hundred and fifty seven, both inclusive; towards defraying the charge of German pay for three thousand three hundred foot, with the general and staff officers and train of artillery, the troops of the faid landgrave, in the pay of Great Bri-

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Britain, from the twenty second day of April to the twenty fourth day of December one thousand seven hundred and fifty seven, both inclusive; for defraying the charge of German pay for seven hundred horse, the troops of the said landgrave of Helle Cassel, in the pay of Great Britain, from the twenty third day of August to the twenty fourth day of December one thousand seven hundred and fifty feven, both inclusive; for defraying the charge of remount and levy money for feven hundred horse, and three thousand three hundred foot, the troops of the faid landgrave in the pay of Great Britain, pursuant to treaty; and fordefraying the charge of the remaining moiety of remount money for one thousand four hundred horse pursuant to treaty, payable the twenty seventh day of April one thousand seven hundred and fifty seven, the supposed day when the cavalry took the field; and any sum or 60,7661. 15. to fums of money, not exceeding fixty thousand seven hundred the landgrave fixty fix pounds one shilling, to enable his Majesty to make good of Hesse Cassel, his engagements with the landgrave of Heffe Cassel, pursuant to pursuant to treaty; and any fum or fums of money, not exceeding twenty treaty; and fix thousand and seven pounds five shillings and fix pence 26,007l. 58. half penny, for defraying the charge of an advanced subsidy, vanced subsidy at the rate of one hundred and fifty thousand crowns a year, to the said due to the landgrave of Hesse Cassel, pursuant to treaty, from the landgrave purfixth day of August one thousand seven hundred and fifty fix, to untto treaty. the twenty seventh day of April one thousand seven hundred and fifty seven, the day when the cavalry enters into the pay of Great Britain; and any fum or fums of money, not exceeding fifty five thousand fixty two pounds five shillings and eleven pence half penny, for defraying the charge of eight thousand fix 550621. 58. 11d hundred and five foot, with the general and staff officers, the troops hired train of artillery, and officers of the hospital, the troops of from Hanover. Hanover, in the pay of Great Britain, from the twenty fifth day of December one thousand seven hundred and fifty six, to the twenty fixth day of March one thousand seven hundred and fifty feven, both inclusive; and of five thousand seven hundred and twenty fix foot, with the general and staff officers, the train of artillery, and officers of the hospital, the troops of Hanover, in the pay of Great Britain, from the twenty fifth day of February one thouland seven hundred and fifty seven, to the twenty fixth day of March following, both inclusive; and for defraying the expences of the march in Germany of the faid troops, both at their coming here, and their return back; and any fum or fums of money, not exceeding two hundred thousand pounds, to affist wards forming his Majesty in forming and maintaining, during the present year, an army of an army of observation for the just and necessary defence and observation in preservation of his Majesty's electoral dominions, and those of Germany, &c. his allies, and towards enabling his Majesty to fulfil his engagements with the king of Pruffia, for the fecurity of the empire against the irruption of foreign armies; and for the support of the common caule.

XII. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies provided as aforesaid,

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700,000l. to defray the like Tum borrowed on a vote of credit of last fellion.

1,000,000 l. to defray extraordinary expences of the war.

28,7891. 58. ad. upon account, for fupporting the va Scotia; and 15,381 l. 4 s charges incurred in 1755, for fupporting the faid colony, not provided for. 3.557 l. 10 s. on account for defraying the civil establishment of Georgia. 10,000 l. to wards maintaining the forts and fettlements in Africa; and 20,0001. to the East India company, in lieu of the King's troops withdrawn from thence. 50,000 l. on provinces of N. and S Carolina, and be performed by them.

there shall and may be issued and applied, any fum or sums of money, not exceeding seven hundred thousand pounds, to enable his Majesty to discharge the like sum raised in pursuance of an act made in the last session of parliament, and charged upon the first aids or supplies to be granted in this session of parliament.

XIII. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies provided as aforesaid, there shall and may be issued and applied any sum or sums of upon account, money, not exceeding one million upon account, to enable his Majesty to defray any extraordinary expences of the war incurred. or to be incurred, for the service of the year one thousand seven hundred and fifty seven; and to take all such measures as may be necessary to disappoint or deseat any enterprizes or designs of

his enemies, and as the exigency of affairs may require.

XIV. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies provided as aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding twenty eight thousand seven hundred eighty nine pounds five shillings and one penny, upon account, for supporting and maintaining the settlement of his Majesty's colony of No- colony of Nova Scotia, for the year one thousand seven hundred and fifty feven; and any fum or fums of money not exceeding fifteen thousand three hundred eighty one pounds and four shillings, upon account, for defraying the charges incurred by fupporting and maintaining the fettlement of his Majesty's colony of Nova Scotia in the year one thousand seven hundred and fifty five, and not provided for by parliament; and any fum or fums of money not exceeding three thousand five hundred fifty seven pounds and ten shillings, upon account, for defraying the charges of the civil establishment of his Majesty's colony of Georgia, and other incidental expences attending the fame from the twenty fourth day of June one thousand seven hundred and fifty fix, to the twenty fourth day of June one thousand seven hundred and fifty seven; and any sum or sums of money, not exceeding ten thousand pounds, to be employed in maintaining and supporting the British forts and settlements, upon the coast of Africa; and any sum or sums of money, not exceeding twenty thousand pounds, upon account, to be paid to the united company of merchants of England, trading to the East Indies, towards enabling them to defray the expence of a military force in their settlements, to be maintained by them in lieu of the battalion of his Majesty's forces, withdrawn from those settlements; and any sum or sums of money, not exceeding fifty thousand pounds, upon account, to be paid to such persons, and in such manner, and by such proportions as his account to the Majesty shall direct, for the use and relief of his Majesty's subjects in his several provinces of North and South Carolina, and Virginia, in America, in recompence for such services, as with the Virginia, for approbation of the commander in chief of his Majesty's forces fervices per- in America they respectively shall have performed, or shall per-



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form, either by putting the faid provinces in a state of defence, 10,000 l. for or by acting with vigour against the enemy; and any sum or purchasing fums of money not exceeding ten thousand pounds, towards grounds to the further enabling the commissioners for building a bridge cross widen the the river Thames, from the city of Westminster to the opposite streets, &c. shore in the county of Surry, to purchase houses and grounds for the leading from Charing cross, widening the ways, and making more fafe and commodious the to both houses streets, avenues and passages, leading from Charing Cross to the of parliament, two houses of parliament, the courts of justice, and Westminster &c. Bridge; and any sum or sums of money not exceeding two 2,500l. to withousand five hundred pounds, to enable the said commissioners sage from to widen the street or passage leading from Cockspur Street to the Cockspur passage in Spring Garden leading to Saint James's Park; and threet to the any sum or sums of money not exceeding three thousand pounds, park. upon account, for repairing and finishing a road proper for the count for passage of troops and carriages, from the city of Carlisle to the making the town of Newcastle upon Tyne, whereof the sum of five hundred road from pounds to be paid to the commissioners and trustees acting with- Carlisle to in and for the county of Cumberland, and the fum of two thoufand five hundred pounds, the residue of the said sum of three thouland pounds, to be paid to the commissioners and trustees acting within and for the county of Northumberland; and any 30,000l. to the fum or sums of money not exceeding thirty thousand pounds, Foundling towards enabling the governors and guardians of the hospital for hospital. the maintenance and education of exposed and deserted young children, to receive all such children under a certain age to be by them limited, as shall be brought to the said hospital before the first day of January one thousand seven hundred and fifty eight; and also towards enabling them to maintain and educate fuch children as are now under their care, and to continue to carry into execution the good purposes for which they were incorporated.

XV. And it is hereby further enacted by the authority afore- These aids to faid, That the faid aids and supplies provided as aforesaid, shall be applied to not be iffued or applied to any use, intent or purpose whatsoever, no other uses. other than the uses and purposes before mentioned, or for the several deficiencies or other payments directed to be satisfied thereout, by any act or acts, or any particular clause or clauses for that purpose contained in any other act or acts of this present testion of parliament.

XVI. And as to the faid fum of thirty three thousand pounds, Rules to be by this act appropriated, on account of half-pay as aforesaid, observed in it is hereby enacted and declared by the authority aforesaid, the application of the That the rules herein after prescribed shall be duly observed in half-pay. the application of the faid half-pay; that is to fay, That no person shall have or receive any part of the same, who was a minor and under the age of fixteen years, at the time when the regiment, troop or company, in which he ferved, was reduced; that no person shall have or receive any part of the same, except fuch persons who did actual service in some regiment, troop or company; that no person having any other place or employment

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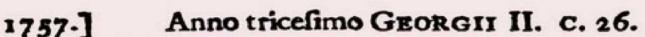
of profit, civil or military, under his Majesty, shall have or receive any part of the faid half-pay; that no chaplain of any garrison or regiment, who has any ecclefiastical benefice in Great Britain or Ireland, shall have or receive any part of the faid half-pay; that no person shall have or receive any part of the same, who has resigned his commission, and has had no commission since; that no part of the same shall be allowed to any person by virtue of any warrant or appointment, except to fuch persons as would have been otherwise intitled to the same as reduced officers; and that no part of the same shall be allowed to any of the officers of the five regiments of dragoons and eight regiments of foot, lately disbanded in Ireland, except to such as were lately taken off the establishment of half-pay in Great Britain.

Clause in an act of 29 Geo. 8. C. 29. f. 10.

XVII. And whereas by an act of parliament made and passed in the twenty ninth year of his Majesty's reign, intituled, An all for enabling his Majesty to raise one million, for the purpose therein mentioned; and for further appropriating the supplies granted in this session of parliament, the several supplies which had been granted to his Majesty, as is therein mentioned, were appropriated to the feveral uses and purposes therein expressed; amongst which any sum or sums of money not exceeding thirty eight thousand pounds, was appropriated to be paid to the reduced officers of his Majesty's land forces and marines; subject nevertheless to such rules to be observed in the application of the faid half-pay, as in and by the aforesaid act were prescribed in that behalf: now it is hereby provided, enacted and declared, by the authority aforesaid, That so much of the said sum of Application of thirty eight thousand pounds, as is, or shall be, more than sufficient to fatisfy the faid reduced officers, according to the rules prescribed by the said act, to be observed in the application thereof, or any part of such overplus, shall and may be disposed of last session to- to such officers who were maimed or lost their limbs in the late wars, or such others as by reason of their long service or otherwife, his Majesty shall judge to be proper objects of charity, or to the widows or children of fuch officers, according to fuch warrant or warrants under his Majesty's royal sign manual, as shall be signed in that behalf; any thing in this act, or the said former act, to the contrary notwithstanding.

XVIII. And whereas Claud Johnson of London, merchant, did on or about the twenty eighth day of September one thousand seven hundred and fifty one, at the Special instance and request of George Buchanan and William Hamilton, become bound for them in a bond, conditioned for the payment of five thousand fix hundred and seven pounds twelve stillings and nine pence halfpenny, or thereabouts, being the du'ies of two hundred and fifty thousand pounds weight of tohoico imported by the faid George Buchanan and William Hamilton; and the faid George Buchanan and William Hamilton, as an indemnification to him, against the Said Bond, did, on or about the fixth day of February one thousand seven hundred and fifty two, affign to bim two hundred hogsheads of tobacce, the marks and num-

the favings out of the fum of 38 ooo!. granted the wards halfpay.



bers of which were specified on the back of such assignment; and the said two hundred hogsheads of tobacco were, soon after the date of the said assignment, conveyed away by the said George Buchanan and William Hamilton, and fold and exported by them as their property; and they did afterwards replace ninety nine hogsheads of tobacco, with different marks and numbers, as part of the faid two hundred: and whereas the faid George Buchanan and William Hamilton, did, on or about the twenty first day of April one thousand seven bundred and fifty two, assign forty two bogsheads of tobacco to the faid Claud Johnson, as a further indemnification to him against the said bond, the marks and numbers of which hogsheads were also specified upon the back of such last assignment: and whereas, on or about the twenty seventh day of April one thousand seven hundred and fifty two, an extent was iffued at the fuit of the crown against the effects of the faid George Buchanan and William Hamilton, for duties on tobacco imported by them; and an inquisition being taken on or about the thirtieth day of April one thousand seven hundred and fifty two, one hundred and thirty five hogsheads of tobacco were seized as the property of the faid George Buchanan and William Hamilton; forty two hogsheads of which were the tobacco last assigned to the Said Claud Johnson, and the remaining ninety three were part of the said ninety nine hogsheaas replaced as aforesaid, the other six hogsbeads being seised by the warehouse-keeper for rent; and the said George Buchanan and William Hamilton foon after becoming bankrupts, the said Claud Johnson entered his claim to the said one hundred and thirty five hogsheads in the court of exchequer; and, upon a trial in the year one thousand seven hundred and fifty two, a verdict was found for his Majesty, as to the said ninety three bogsbeads, because the marks and numbers thereof did not correspond with the marks and numbers indorsed on the said first affignment, and for the claimant, as to the said forty two hogsheads: and whereas the commissioners of the customs, in consideration of the payment of a certain sum by the affignees of the said bankruptcy, as a satisfaction for the monies due from the said bankrupts to the crown, allowed the said assignees all the effects seised upon the said inquisition; but the said bond was not included in such agreement, the same not being then due: and whereas the said Claud Johnson has paid three thousand one hundred seventy three pounds and seven pence, or thereabouts, in part of the Said five thousand fix hundred seven pounds, twelve shillings and nine pence halfpenny, and the said ninety three bogsheads of tobacco were fold for the sum of two thousand six hundred fifty five pounds eight shillings and eight pence: and whereas there is great reason to believe that if the said George Buchanan and William Hamilton had continued in credit, no part of the said bond would have been paid in money, but have been discharged by debentures taken out upon the exportation of tobacco; and as the faid ninety three hogsheads were part of the effects which were allowed by the commissioners of his Majesty's customs to the suid assignees, in consideration of a certain Jum to be paid by them, whereby the revenue received an advantage, and the said Claud Johnson sustained a loss more than adequate to the principal money now due upon the faid bond;

Treasury to discharge Claud Johnson from payment of the penalty and money conditioned to be paid by his bond of 28 Sept. 1751, for duties on tobacco.

Anno tricesimo Georgii II. C. 27.

be it therefore enacted by the authority aforesaid, That it shall be lawful for the high treasurer, or any three or more of the commissioners of his Majesty's treasury for the time being, and he or they is and are hereby authorized and impowered to exonerate, acquit and discharge the said Claud Johnson of and from the penalty mentioned in, and the payment of, any sum or sums of money conditioned to be paid by the faid bond, dated on or about the faid twenty eighth day of September one thousand seven hundred and fifty one, and all interest due thereupon; and to discharge and vacate the said bond, in such manner as to him or them shall seem expedient; any act or acts of parliament to the contrary notwithitanding.

CAP. XXVII.

An act for enlarging the times for the first meetings of commissioners or trustees for putting in execution certain acts of this selsion of parliament.

X7HEREAS by several acts of this present session of parliament, the first meeting of the commissioners or trustees for putting such acts, or any part or parts thereof in execution, hath been, or may be appointed or directed to be held before, or upon the day of the passing of such acts respectively, whereby several doubts and difficulties may arise with respect to the due execution of the said acts; be it therefore enacted by the King's most excellent majesty, by and with the advice and confent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That in case any act of parliament hath passed, or doth or shall pass, at any time whatsoever during this present session of parliament, upon or after the day fpecified in any fuch act for the first meeting of the commissioners or trustees appointed to put the same, or any part thereof in execution, in each and every such case, such commissioners or truitees respectively or the same number of such respective commisthey shall hold sioners or trustees as is or shall be authorized to hold such first meeting, or any greater number of them, shall and may hold their first meeting upon the fourteenth day after the passing of this act, at such places as were respectively appointed in such acts for holding the first meetings on the days therein specified; and all luch commissioners or trustees, or any number of them as aforefaid, being so assembled respectively on the said fourteenth day after the paifing of this act, shall and may proceed to the execution of fuch acts respectively; and then, and from time to time afterwards adjourn, and do and perform all such matters and things, and execute all the powers and authorities granted to them in the faid acts respectively, in the same manner, and as fully and effectually to all intents and purposes, as if such commissioners or trustees had been assembled, in pursuance of, and on the respective days specified or appointed in such acts for holding the first meeting of such commissioners or trustees; any thing therein contained to the contrary notwithstanding.

Where any act shall pass upon or after the day for the first meeting of commillionersor trustees to act,

their first meeting on the 14th day after passing this act.

Anno tricesimo Georgii II. c. 28. 3757-]

CAP. XXVIII.

An act to render more effectual the several laws now in being for the amendment and preservation of the publick highways and turnpike roads of this kingdom.

WHEREAS it hath been found that the use of broad wheels does very much contribute to the improvement and preservation of the turnpike roads of that part of Great Britain called England, and using heavy carriages with narrow wheels, is very ruinous and destructive to the same; for remedy whereof; be it enacted by the King's most excellent majesty, by and with the advice and confent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That during the time of seven years, to be computed from the Trustees for twenty fourth day of June one thousand seven hundred and fifty turnpikes to eight, the trustees appointed or to be appointed by virtue or un- take, for 7 der the authority of any act of parliament made, or to be years, one half made, for making, repairing or amending, turnpike roads, or more than the fuch person or persons as are or shall be authorized by them, gons and carts, shall and may, and they are hereby required to demand and having the take for every waggon, wain, cart or carriage, having the fellies of their of the wheels thereof of less breadth or gage than nine inches wheels of less from side to side, at the least, at the bottom or sole thereof, or 9 inches. for the horses or beasts of draught drawing the same, one half more than the tolls or duties which are or shall be payable for the same respectively, by any act or acts of parliament made, or to be made, for making, amending or repairing turnpike roads, before any fuch waggon, wain, cart or carriage, respectively, shall be permitted to pass through any turnpike gate or gates, bar or bars, where tolls shall be payable by virtue of any of the faid acts.

II. Provided, That nothing in this act shall extend, or be Carts drawn construed to extend, to carts or carriages drawn by one horse, by one horse, or two oxen, and no more.

III. Provided always, and be it enacted by the authority a- Carts with two foresaid, That during the time aforesaid, it shall and may be horses, or sour lawful to and for any cart or carriage drawn by two horses, or oxen, and felfour oxen, and no more, having the fellies of the wheels there- broad, to pay of of the breadth or gage of fix inches at the bottom, from fide only the comto fide, to pass upon any turnpike road, and through any turn- mon tolls. pike gate or bar, paying the tolls or duties required to be paid by any of the faid acts respectively.

IV. And whereas there are in several acts of parliament, made No carriage to for making, amending and repairing turnpike roads, exemptions al- be exempted from payment of tolls, in particular cases therein respectively paylesser tolls, mentioned, and liberties are allowed, in particular cases, to pay leffer unless the feltolls than are charged upon other waggons, carts and carriages, paf- lies are 9 fing through turnpike gates or hars: and whereas it will tend to the inches broad. advantage and preservation of turnpike roads, to confine such exemp-

or two oxen, excepted.

Anno tricesimo GEORGII II. C. 28. 172

17574 tions, liberties, privileges and advantages, to carriages with wheels

of the breadth or gage of nine inches as aforesaid; be it therefore enacted by the authority aforesaid, That during the time aforefaid, no person shall, by virtue of any of the said acts of parhament, have, claim or take, the benefit or advantage of any exemption from tolls, or part of tolls, or to pay lesser toll, for or in respect of any waggon, wain, cart or other carriage, or horses drawing the same, than other carriages of the like nature ought to pay, unless such waggon, wain, cart or carriage, have fellies of the wheels thereof of the breadth or gage of nine inches as aforesaid; other than and except carts and carriages drawn by one horse or two oxen, and no more; and other than and except carts and carriages drawn by two horses or four oxen, and no more, having the fellies of the wheels thereof of the breadth or gage of fix inches as aforefaid; but that the toll, together with the additional toll hereby enacted, for or in respect of every fuch waggon, wain, cart or other carriage having the ordinary tolls are to be paid. fellies of the wheels thereof of less breadth or gage than nine inches as aforefaid; or for or in respect of horses or beasts of draught drawing the same (except as before excepted) required by the faid acts respectively, shall be paid in the same manner, to all intents and purposes, as if no exemption or lesser toll had been enacted or allowed by any of the faid acts respectively, and

Waggons,&c. with broad wheels to pay half the tolls within 100 miles of London;

Exception.

but the ad-

ditional and

riages; any law or statute to the contrary notwithstanding. V. And be it further enacted by the authority aforefaid. That during the time aforesaid, the trustees appointed or to be appointed by virtue or under the authority of any act of parliament made or to be made for making, repairing or amending turnpike roads, and such person and persons as shall be authorized by them, shall and may, and they are hereby required to permit and fuffer all waggons, wains, carts and carriages having the fellies of the wheels thereof of the breadth or gage of nine inches from fide to fide at the bottom or fole thereof, and drawn according to law, to pass through any turnpike gate or gates, bar or bars, within one hundred miles from London, paying only so much toll or duty as shall not exceed one half of the full toll or duty payable for fuch waggons, wains, carts and carriages respectively, or for the horses or beasts of draught drawing the fame, by virtue of any act or acts of parliament made or to be made for making, repairing or amending turnpike roads.

as fully as all other waggons, wains, carts and carriages and horses drawing the same, ought respectively to pay, which are not intitled to any exemption from toll in the whole or in part, or to pay a leffer toll than other waggons, wains, carts and car-

VI. And whereas great damage is done to turnpike roads by waggons and wains with broad wheels drawn by horses or beasts of draught at length, and not in pairs: for remedy whereof, be it enacted by but fuch wag- the authority aforesaid, That during the time aforesaid it shall gons are not not be lawful for any waggon or wain, having fellies of the wheels to pais, unless thereof of the breadth or gage of nine inches as aforesaid, to pass upon any turnpike road, or through any turnpike gate or bar, unless the same be drawn by horses or beasts of draught in

drawn by herfesin pairs,

pairs;

pairs; provided that where there is an odd horse or beast of and not at draught belonging to such waggon or wain, it shall be lawful length; for such odd horse or beast of draught to draw such waggon or wain, together with the other horses or beasts of draught drawing in pairs as aforesaid; provided that such horses or beasts of draught do not in the whole exceed the number of horses or beasts of draught allowed by law.

VII. And whereas great damage is done to turnpike roads by way gons and wains with narrow wheels, drawn by horses or beasts of narrow wheel draught in pairs, and not drawn by oxen: for remedy whereof, be carriages are it enasted by the authority of oxide. That drawn by oxen is it enacted by the authority aforefaid, That during the time if drawn in aforesaid it shall not be lawful for any waggon or wain, having pairs, unless the fellies of the wheels thereof of less breadth or gage than nine by oxen. inches, to pass upon any turnpike road, or through any turnpike gate or bar, if the same be drawn by horses or beasts of

draught in pairs, and not by oxen.

VIII. And be it enacted by the authority aforesaid, That Persons drivif any perion or perions shall, during the time aforesaid, drive ing prohibitor cause to be driven on any turnpike road any common stage ed waggons, waggon, prohibited by this act to pass along any turnpike road, ful number of or shall drive or cause to be driven any waggon, wain, cart or horses, carriage on any turnpike road, with any greater number of horses or beafts of draught than is allowed by law, or in any wife contrary to the true intent and meaning of this act, every person and persons so offending, and every master or owner of such waggon, wain, cart or carriage so driven, shall be deemed to be guilty of a common nusance and misdemeanor, and shall be may be pupunished for the same by indictment or information, or shall, nished by inat the election of the profecuror or informer, for every such of- dictment, or fence, be subject and liable to such and the same penalties and information, forfeitures as the owners of the waggons and carriages, having the fellies of the wheels of less breadth or gage than nine inches from side to side, are made subject and liable to, by virtue of an Act 26 Geo. 2. act made in the twenty fixth year of the reign of his present Ma- c. 30. jesty, intituled, An act for the amendment and preservation of the publick highways and turnpike roads of this kingdom; and for the more effectual execution of the baws relating thereto; to be paid and applied to fuch uses and purposes, and to be levied and recovered as is thereby directed.

IX. And be it enacted by the authority aforesaid, That No composiduring the time aforesaid it shall not be lawful for any trustees tion for tolls of any turnpike road, to make any composition for tolls for or may be made in respect of any waggon, wain, cart or carriage, or horses or for narrow beasts of draught drawing the same (except as before excepted) riages. unless fuch waggons, wains, carts and carriages have the fellies Exception. of the wheels thereof of the breadth or gage of nine inches as

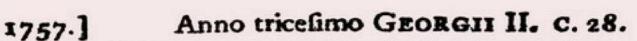
aforefaid.

X. And whereas by an all made in the twenty eighth year of the reign of his present Majesty, it is, amongst other things, enacted, 28 G. 2. C. 17. That from and after the faid twenty fourth day of June it shall 1. 2. & f 8. and may be lawful for all waggens having the fellies of the wheels repealed. thereof

thereof of the breadth or gage of fix inches from fide to fide, at the least, at the sole or bottom of the wheel, to pass through all and every turnpike gate or gates, bar or bars, with fix horses; and all carts and other carriages having the fellies thereof of the breadth or gage of fix inches from side to side at the least, at the sole or bottom of the wheel, with four horses, without paying any more toll or duty than is paid for waggons now drawn by four, and carts drawn by three horses, or for the horses arawing the same : and whereas by another clause in the last-mentioned act it is enacted, That from and after the faid twenty fourth day of June all waggons, wains and other four wheel carriages, not being common stage waggons or carriages (though the fellies of the wheels are not of the breadth of nine inches or fix inches) may travel, pass or be driven upon any turnpike road, with any number of horses not exceeding five horses or beasts of draught: and if any owner or driver of any such waggon, wain or other four wheel carriage shall travel, pass or drive ny such waggon or other four wheel carriage with more than five horses or beasts of draught, every such owner so offending shall, for every such offence, forfeit and pay the sum of five pounds; which said penalty shall be recovered and levied by distress and sale of the offender's goods and chattels, by warrant or warrants under the hands and feals of the trufties, or any three or more of them, of such district, or any one or more justice or justices of the peace, in or near to the place or places where the offence shall be committed, or by action of debt, bill, plaint or information in any of his Majesty's courts of record at Westminster; where no essoin, protection or wager of law, or more than one imparlance shall be allowed; and in case any driver of any waggon, wain or other carriage as aforefuid, shall act contrary to the true intent and meaning hereof, such justice or justices shall, by warrant or warrants under his or their hands and feals, commit such driver to the house of correction for the space of one month, there to remain without bail or mainprize; be it enacted by the authority aforesaid, That the faid recited clauses in the last-mentioned recited act shall, from and after the said twenty fourth day of June one thousand seven hundred and fifty eight, be repealed.

No waggons with broad wheels if wider than 5 feet 6 inches may pass on turnpike roads.

XI. And be it further enacted by the authority aforefaid, That from and after the time aforesaid no waggon having the fellies of the wheels thereof of the breadth or gage of nine inches at the bottom, shall pass along any turnpike road, which shall be wider than five feet fix inches from the middle of the fellies of the wheels on one fide of fuch waggon, to the middle of the fellies of the wheels on the other fide of fuch waggon; and the surveyor or surveyors, gate-keeper or gate-keepers of any turnpike road, is and are hereby authorized and required, at any turnpike or toll-gate, or at any other place upon the turnpike road, to measure every such waggon from the middle of the fellies of the wheels on one fide of fuch waggons, to the iniddle of the fellies of the wheels on the other fide thereof; and if any mafter or driver of any waggon shall hinder or refuse to permit fuch furveyor or furveyors, gate-keeper or gate-keepers, to measure such waggon as aforesaid, it shall be unlawful



for every such waggon, not permitted to be measured as afore-

faid, to pass along any turnpike road.

XII. And be it enacted by the authority aforesaid, That if Limitation of any action or fuit shall be commenced against any person or per- actions. fons, for any thing done or acted in pursuance of this act, then and in every such case, such action of suit shall be commenced or profecuted within fix calendar months next after the fact committed, and not afterwards; and the fame, and every fuch action or fuit, shall be brought in the county, riding or place where the person against whom such action or suit shall be commenced doth ordinarily inhabit and refide, or in the county or riding where the fact was committed, and not elfewhere; and the defendant or defendants in every fuch action or fuit shall and may plead the general iffue, and give this act and the special matter in evidence, at any trial to be had thereupon, and General issue. that the same was done in pursuance of and by authority of this present act; and if the same shall appear to have been so done. or if any fuch action or fuit shall be brought after the time herein before limited for bringing the same, or be brought or laid in any other county, riding or place than as afore-mentioned, then the jury shall find for the defendant or defendants; or if the plaintiff or plaintiffs shall become nonsuited or discontinue his, her or their action, after the defendant or defendants shall have appeared; or if, upon demurrer, judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall and may recover treble costs, and have the like remedy for Treble costs. recovery thereof, as any defendant or defendants hath or have in any other cases by law.

XIII. And whereas some doubts have arisen concerning the mean- What shall be ing of the words Common Stage Waggons, it is hereby declared, deemedacom-That every waggon, wain, cart or carriage travelling with or mon stage carrying goods for hire, is and shall be deemed to be a common waggon. stage waggon, within the true intent and meaning of an act made 28 G. 2. C. 17. in the twenty eighth year of the reign of his present Majesty, intituled, An all to amend an all in the twenty fixth year of the reign of his present Majesty, intituled, An act for the amendment and preservation of the publick highways and turnpike roads of this kingdom; and for the more effectual execution of the

laws relating thereto.

XIV. Whereas it is in and by an act of the twenty eighth year of Clause in act his prefent Majesty amongst other things enacted and declared, That 28 G. 2. C. 17. if any collector or receiver of the toll or duties at any gate or turn- 6. 7. pike, where or near to which any crane, machine or engine for weighing of carriages shall be built or erected, shall permit any cart, waggon or carriage, within the descriptions therein mentioned, to pass or repass through any such gate or turnpike without weighing the same, Juch collector or receiver shall, upon conviction, as by the said att is directed, be liable to be committed to the house of correction. and there to be kept to hard labour for the space of one month: and whereas doubts have arisen whether such collector or receiver is not by the faid att obliged to weigh all carriages what soever, whether

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Collector obligedtoweigh only loaded carriages.

loaded or unloaded; and many difficulties have arisen thereupon; for obviating whereof it is hereby enacted and declared, That from and after the twenty ninth day of September one thousand seven hundred and fifty feven, any collector or receiver of any tolls at any turnpike or turnpikes crected or to be erected by virtue of any act of parliament, shall and may permit all and every person or persons going or travelling through any turnpike with an empty cart, waggon or other carriage, to pass and repass through the same, without weighing such empty cart, waggon, or other carriage, and without incurring the penalty aforefaid; and that fuch collector or receiver shall not be obliged to weigh any cart, waggon or other carriage, but those only which shall be laden; the said last abovementioned act, or any law now in force to the contrary notwithstanding.

CAP. XXIX.

An all to indemnify persons who have been guilty of the unlawful importing, landing, or running of probibited, uncustomed, or other goods or merchandize, upon certain terms therein mentioned.

WHEREAS there is a great want of Seamen for the compleatly manning of his Majesty's royal navy: and whereas there are are many failors, mariners, and other sea-faring persons, Subjects of his Majesty, at this time in parts beyond the seas, and in several of the gaols of this kingdom, on account of sundry offences by them committed in breach of the laws of the customs and excise; and likewife feveral persons who have been or may be charged with riding with fire arms, contrary to the acts paffed in the eighth year of the reign of his late majesty King George the First, and the ninth year 9 G. 2. c. 35. of his present Majesty, as well as other acts now in force, and who 19 G. 2. C. 34. have neglected to take the benefit of the late act of indemnity, and are capable and may be inclined, or by grace and clemency induced, to ferve on board his Majefly's ships of war, provided they were certain of their being indemnified for their several offences and past misdemeaners; be it therefore enacted by the King's most excellent majefly, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That every person, who before the first day of May one thousand seven hundred and fifty feven, shall have been guilty of illegal running, landing, unshipping, concealing, receiving or carrying any wool, prohibited mitted before goods, wares or merchandizes, or any foreign goods liable to the payment of the duties of customs or excise, the same duties not having been paid or fecured, or of aiding or affifting therein; of shall have been armed with fire-arms, or other offensive arms or weapons, in order to be aiding or affilling any fuch offenders, or have been guilty of rescuing such goods, wares or merchandizes as aforesaid where duties had not been paid or secured after seizure from the officers of the customs or excise, or of any act or matter whatfoever whereby perfons may be deemed and taken to be runners of foreign goods and commodities

Smugglers, &c. indemni . fied from offences com-1 May 1757.



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dities within the intent and meaning of any law now in force; or of hindering, opposing, obstructing, wounding or beating any officer or officers of the customs or excise, in the execution of his or their office or duty, or of aiding or affifting therein, shall be and are by the authority of this present act, acquitted, indemnified, released and discharged against the King's majesty, his heirs and fucceffors, and any officer or officers of the customs or excise, and every of them, and all and every other person or persons, of and from all and every the said offences, concerning which no fuit, information or indictment shall have been commenced, filed or found, or composition made before the said first day of May one thousand seven hundred and fifty seven, upon the following terms and conditions; that is to fay, That he provided, bedo, before he shall be apprehended or prosecuted for the same, fore they are and before the first day of December one thousand seven hundred prosecuted, and fifty feven, enter himself with some commission officer of his December Majesty's fleet to serve as a common failor in the said fleet, and next, they endo for three years at least from the time of such entry, unless he ter and serve shall be sooner duly discharged from the service, actually and on board the bona fide serve and do duty as such in the said fleet; and shall and register also before the said first day of December one thousand seven hun-their names, dred and fifty seven, register his name, employment, and &c. with the usual place of abode, with the clerk of the peace of the coun-clerk of the ty, riding or division where he resides, in a book which is peace. hereby directed to be kept by the faid clerk, among the records of the fessions for the said county, riding or division for this purpole; and shall sign such register, signifying that he claims the benefit of this act, and that he has entered himself with a certain commission officer by name, of his Majesty's fleet, to ferve as a common failor, which entry shall be made in the tollowing torm,

claims A. the benefit of an all of the thirtieth year of the reign of his majesty King George the Second, and has entered himself with a commission officer of his Majesty's fleet, and has registered his name in the book kept by the clerk of the peace of this county, riding or division, day of pursuant to the directions of the faid act.

For which entry or register there shall be paid to the clerk of the Clerk's fee 18. peace of fuch county, riding or division, one shilling, and no who is to more; and that the faid clerk of the peace shall immediately af- transing an ter the faid first day of May one thousand seven hundred and account of the fifty feven, from time to time, transmit to the commissioners of the commissioners the customs and excise, an exact account of all the persons who oners of the have, by such entry or register as aforesaid, intitled themselves customs and to claim the benefit of this act.

II. Provided always, and be it enacted by the authority afore- The faid perfaid, That every person who shall make such entry, and claim sons being the benefit of this present act as aforesaid, and shall afterwards guilty of the Vol. XXII.

be afterwards, or

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deferting, or unduly procuring their discharge, liable to profecution for the former, as well as fuch new offences.

Officer permitting any avoid actual fervice, torfeits sool, and fuch person fit of the act. Persons so entering themfelves are difabled from bringing any action against the King's ofoffences intended to be discharged by this act.

Prohibition of fuits against

be guilty of, or commit any of the like offences as those herein before mentioned, or hereby intended to be acquitted, released or discharged, or shall at any time after desert from the said service, or within the faid three years unduly procure his discharge therefrom, shall be subject and liable to be prosecuted, not only for or in respect of such new offence, but shall also be subject and liable to all the same pains, penalties and forfeitures as he would have incurred or been subject or liable to in case this indemnity had never been given; any thing herein contained to the contrary notwithstanding.

III. Provided also, That if any officer of his Majesty's navy shall by false muster or certificate, or in consideration of a grafuch person to tuity of any kind, or by any other collusive or evasive ways or means whatfoever, fuffer or permit fuch person to avoid the actual service as aforesaid, such person shall not only lose the benefit of this act, but every such officer shall suffer the penalty of

lofes the bene- five hundred pounds.

IV. Provided also, and be it enacted by the authority aforefaid, That no person who shall have made such entry with the clerk of the peace as aforefaid, or receive or be intitled to any benefit or advantage by virtue of this present act of indemnity shall be capable of maintaining any action brought or to be brought by him, against any officer of his Majesty's customs or ficers, &c. for excise, or against any person or persons who shall or may have been aiding or affifting to any officer for or concerning any matter, cause or thing done or committed by such officer, or by any person or persons aiding and affishing him on occasion, or for any other matter or thing by this act intended to be acquitted, indemnified, released and discharged; but such claim is and shall be deemed an absolute discharge and release to such officer, who General iffue. may plead the general iffue, and give a copy of fuch claim fo as aforefaid entered with the faid clerk of the peace, and give this act in evidence, on such action or prosecution.

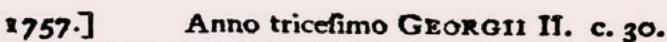
V. Provided also, and it is hereby further enacted by the authority aforesaid, That no person, who shall duly enter himself persons enter- to serve as a common sailor in his Majesty's fleet for the term ing themselves. of three years at least in pursuance of this act, shall during such term of three years (unless he shall within such space of time defert or withdraw from such service) be liable to be apprehended or imprisoned, or to be sued or prosecuted in any manner whattoever, for or on account of any of the offences intended

to be released by this act.

CAP. XXX.

An act for allowing a further bounty on vessels employed in the white herring fishery; for giving liberty to alter the present form and size of the nets used in the said fishery; and for other purposes therein mentioned.

THEREAS by an act made in the twenty third year of the reign of his present Majesty, intituled, An act for the encourage-



couragement of the British white herring fishery; it is among st other things enacted. That as an encouragement to all persons whatsoever, as well bodies politick and corporate, as others, and also the persons who should be incorporated by virtue of and under the said all, to engage in the said white herring fisheries, that a bounty of thirty sbillings per son should be paid annually out of such sums as should be produced out of his Majesty's customs to the owner or owners of all decked vessels, from twenty to eighty tons burthen, which should be built after the commencement of the said act, for the use of the said fisheries, and fitted out and employed in the said fisheries, in manner and under the regulations in the said ast after-mentioned; such bounty of thirty shillings per ton to be paid yearly during the space of fourteen years from the commencement of the said act, and no longer, upon conforming to the regulations of the said act; in which said act it is, amongst other things enacted, That every bus or vessel of the burthen of Jeventy tons, and designed for the said fishery, should on ber proceeding to sea, have on board one fleet of fifty nets, each net to be thirty yards full upon the rope, and seven fathoms deep, and So in proportion for any vessels of a greater or lesser tonnage; and should be provided with one other fleet of fifty like nets on board a jagger or tender to attend the said fishery, or left on shore in a proper place for the use of the said buss or vessel: and whereas pursuant to the power by the said all given to his said Majesty, a society, by the name of the society of The free British fishery, bath been incorporated by charter bearing date the eleventh day of October one thousand seven bundred and fifty: and whereas by another act made in the twenty eighth year of the reign of his said Majesty, For fur- 28C ther explaining, amending and rendering more effectual the faid first mentioned act; and for giving further encouragement for the carrying on the faid fishery; and for other purposes therein mentioned; it is enacted, That the several allowances of three pounds per centum per annum, and the faid bounty of thirty shillings per ton granted by the said first mentioned all for the respective terms therein mentioned, should be continued for the further term of three years, to be computed immediately from and after the expiration of the faid respective terms, in manner in the said act of the twenty eighth year of bis said present Majesty mentioned: and whereas the bounty of thirty shillings per ton bath not been found a sufficient bounty on the tonnage of the vessels employed in the said fisheries, and the nets by the said first mentioned att directed to be employed in the said fisheries, have been found by experience, both in their form and depth, to be very inconvenient and unfit for the said fisheries; and it may tend greatly to the support of the said fisheries, if the vessels employed therein were permitted, during the intervals of the two fishing Seasons called The Shetland and Yarmouth fisheries, to be otherwise employed; therefore be it enacted and declared, and it is hereby enacted and declared by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said bounty of thir- The former ty shillings per ton by the said two several acts granted and bounty to

and in lieu thereof, 50s. per ton allowed on vessels employed in the fishery.

Liberty given to use such

nets as are best

adapted to the

tisheries ;

buís.

continued for the respective terms of years therein respectively mentioned, shall from henceforth cease, determine and be at an end; and that in lieu thereof, a bounty of fifty shillings per ton on the vessels employed in the said fisheries, shall be paid and payable for such term and terms of years to the said society, and fuch other persons as would have been intitled to the said bounty of thirty shillings per ton by virtue of or under the said two feveral acts herein before recited, or either of them, in cafe this act had not been made; and that fuch bounty of fifty shillings per ton shall be paid and payable at such times, in such manner, and by fuch person and persons, and out of such monies as the said bounty of thirty shillings per ton is by the said two several acts, or either of them, directed to be paid.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said society, and to and for all other person and persons employed in the said fisheries, in licu of the nets by the said sirst mentioned act directed to be employed in the faid fisheries, to make use of such nets in the white herring fisheries as they shall find best adapted

to the faid fisherics.

fo as the like quantity be carried on board each Certificates

given by the

inspectors,

III. Provided always, That each buss or vessel do carry to fea the like quantity of netting in the whole as fuch bufs or vellel is now bound to carry by the faid first mentioned act.

IV. And it is further enacted by the authority aforefaid, That in all cases where it shall happen that the nets to be employed in the faid fisheries shall, by virtue of the liberty and power in and by this present act given and allowed for that purpole, vary from the fize and form of the nets in and by the faid first-mentioned act directed to be employed in the said fisheries, that so much of the certificate in and by the said first mentioned act directed to be given by the officer or officers who shall be appointed to examine the buffes or veffels to be employed in the faid white herring fisheries as relates to the fishing nets on board each buls or vellel; and also so much of the oath by the said act directed to be made by the owner or owners, or agent apowners, agents pointed by them, or of a proper officer or agent of the faid fociety, and of the mafter or chief officer of such vessel, as relates to the nets on board fuch veilel; may and shall from henceforth be varied and made conformable to fuch alterations as may be made in fuch nets fo employed in the faid fitheries, by virtue of the liberty and power herein before for that purpole given.

and the oath made by the and matters, are to be varied conformable to the fize and form of the nets made use of.

Liberty given veffels in the intervals of the fisheries.

V. And be it further enacted by the authority aforefaid, to employ the That after the two fisheries called The Shetland and Yarmouth fisheries shall be over in every year, it shall and may be lawful to and for the faid fociety, in the mean time, and until the commencement of the next enfuing fishing season, to use and employ in any other bufiness not prohibited by law, such of their buffes or veffels, and no others, as shall have been really and bona fide employed in the faid two fisheries then last preceding, during the whole time of fuch two fitheries; any thing in the

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faid first mentioned act, or in the charter of the said society to

the contrary notwithstanding.

VI. And whereas by an act made in the twenty ninth year of his said Majesty, intituled, An act for encouraging the fisheries in that part of Great Britain called Scotland, it is amongst other 29Geo. 2. C. 23. things enacted, That from and after the twenty fifth day of June one thousand seven hundred and fifty eight, the staves of all barrels in which white herrings and wet white fifth, in that part of Great Britain called Scotland shall be packed or put up, shall be at least one half part of an inch in thickness throughout, under fuch penalty as in the faid act is mentioned: and whereas the faid fociety, and other persons following the faid fisheries, have at a very great expence provided a large quantity of barrels for the packing their fish, and no inconvenience hath arisen from the make of such barrels; be it therefore enacted and declared by the authority aforesaid, That so much of the Regulation of faid act of the twenty ninth year of his faid Majesty, as relates the hickness to the thickness of the barrels to be used in the packing and put- or barrel staves ting up of white herrings and wet white fish, shall not extend, not to extend or be deemed or construed to extend, to barrels made use of, or in the herring to be made use of by the said society, or by any other person or fishery. persons following the said white herring fisheries, by virtue of or under the said act of the twenty third year of his said present Majesty; any thing in the said act of the twenty ninth year of his faid Majetty to the contraty thereof in any wife notwith-

standing. VII. And be it further enacted by the authority aforesaid, Free use of all That the faid fociety, and all and every person or persons em-ports and ployed in the faid fisheries, shall have and exercise the free use shores, &c. of all ports, harbours, shores and forelands in Great Britain below high of all ports, harbours, shores and forelands in Great Britain, water mark. or the islands belonging to the crown of Great Britain, below and 100 yards the highest high water mark, and for the space of one hundred above, on any yards on any waste or uncultivated land beyond such mark waste grounds, within the land, for landing their nets, casks and other mate- and drying rials, utensils and stores, and for erecting tents, huts and stages, nets. and for the landing, pickling, curing and reloading their fish, and in drying their nets without paying any foreland or other dues, or any other fum or fums of moncy, or other confideration whatfoever for fuch liberty (except as herein after is excepted) any law, statute or custom whatsoever to the contrary notwithstanding: and if any person or persons shall presume to Persons obdemand or receive any dues, fums of money, or other confider- ftructing fuch ation whatsoever for the use of any such ports, harbours, shores use, forseit or forelands within the limits aforesaid, or shall obstruct the 1001. fishermen or other persons employed in the taking or curing of fish, or drying their nets in the use of the same, every person so offending shall for every such offence forfeit the sum of one hundred pounds, to be recovered and levied in manner herein after directed.

VIII. Provided always, That nothing in this ast contained whereharbour shall extend to exempt the vessels or boats employed in the faid or pier dues N 3 nih- are domindabic by lawithe

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fishing vessels fisheries from the payment of such harbour or pier dues as are are to pay the and by law ought to be demanded for ships, vessels or boats, in piers or harbour which are built or artificially made; but that fuch harbour or pier dues shall be paid in like manner as the same were liable to be paid before the passing of this act.

fued for.

IX. And be it further enacted by the authority aforesaid, Penalty where That the penalty herein before mentioned shall and may be proand how to be secuted and determined by bill, plaint or information, in any of his Majesty's courts of record at Westminster, or in the court of exchequer in Scotland respectively, wherein no essoin, protection, privilege, wager of law, or more than one imparlance shall be allowed; and one moiety of such penalty shall be to the use of his Majesty, and the other moiety to such person or persons as will sue for or prosecute the same.

The tonnage a certificate be produced of the duty paywich hospital being duly paid.

X. Provided always, and be it further enacted and declared bounty is not by the authority aforesaid, That the said bounty of fifty shillings to be paid, till per ton herein before given and granted to vessels employed in the faid fishery, shall not be paid or payable in respect of any fuch vessels, until it shall have been made appear to the fatisable to Green- faction of the commissioners of his Majesty's customs, by one or more certificate or certificates, receipt or receipts, from the receiver or collector for the time being of the duty of fix pence per man per month, payable out of seamens wages, for the support of the royal hospital at Greenwich, that all monies payable on account of fuch duty from any vessel, in respect whereof such bounty of fifty shillings per ton shall be demanded, hath been fully paid and discharged; any thing herein before contained to the contrary thereof in any wife notwithstanding.

CAP. XXXI.

An act to explain, amend and render more effectual an act passed in the twenty eighth year of the reign of his present Majesty, intituled, An att to enable the churchwardens, overfeers and inhabitants of the parish of Saint Saviour in the borough of Southwark in the county of Surry, to hold a market within the said parish, not interfering with the high street in the said berough.

The ground described in the recited act, ascertained. 28 Geo. 2. C. 23-The bishop of Rochester may grant separate leases of Rochester yard, to the churchwardens and inhabitants of the parish, and to John Howell, esquire. The said leases, and reservations of rent declared to be valid. Where other persons refuse to treat, notice to be given them, that the value of their lands will be fettled by a jury. Precepts to be iffued accordingly for returning a jury; who are to affest the damage and recompence, on oath. Jury may be challenged. Verdict of the jury, and judgment of the commissioners thereon, to be conclusive, and to be filed among the records of the quarter-fessions. All contracts and sales deemed valid, and to har all dower, and estate, &c. The further sum of 2000l. may be borrowed for the purposes of the act, on annuity for lives, at the rate of 21. per cent. per an. to be charged on the rents and profits of the market. Rate to be made for making good deficiencies in the faid fund, to be allowed and figned by the justices, and collected quarterly; and may be levied by distress and sale. Persons aggrieved by the rate, may appeal to the quarter fessions. Collector to pay over the monies to the churchwardens, or to their order; and to account before the justices yearly, or oftner, and pay over the balance on making up his accounts. Penalty on



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persons selling, or exposing meat to sale, in any house, &c. except their own. Penalty on persons hawking or exposing to sale, meat, or other provisions, within 1000 yards of the market, except in their own shops, &c. in market time. Forfeitures may be levied by distress and sale; and for want of sufficient distress, offender to be committed. Persons aggrieved, by order of justices may appeal. Powers of the recited act confirmed, and extended to this act. Charges of this act to be paid out of the first monies raised. Publick act.

CAP. XXXII.

An act for draining and preserving certain marsh and sen lands and low grounds in the parish of Wiggenhall Saint Mary Magdalen, in the county of Norfolk.

Commissioners appointed. Penalty on persons acting, if not qualified, Commissioners power to make banks, &c. and to erect engines, paying for the damage; and if the parties cannot agree, the same to be adjudged by the justices in session. Time and place of trustees meeting. Commisfioners may make orders, &c. choose officers. Officers may be removed. To give security. Commissioners to lay an equal acre-tax, not exceeding 28. per acre each year. Highlands not to be charged. Justices to determine differences. Commissioners to borrow money on the tax. Money not to be borrowed but at a publick meeting, and not by less than 7 commissioners. Application of the money. Commissioners may distrain for taxes. Distress may be appraised and sold, after 5 days. Tenants to pay the rates, and deduct the same out of the rents. Person neglecting to pay the rates, for 2 months after demand, forfeits 5s. for every 20s. he shall be in arrear; to be levied by diffress and sale; if no diffress be found, the lands to remain a security for the tax, &c. Rates liable to the payment of the money borrowed, &c. Creditors may distrain for interest, if not paid half yearly, or within three months after. Affignments transferrable without stamp. Persons maliciously destroying the works, guilty of felony. Persons maliciously stopping up, &c. any drain, &c. shall for-feit 201. or be kept to hard labour. Penalty for making places for watering in the mill drains. Accounts how to be kept and entered. Commissioners to take the accounts upon oath. Directions concerning dykes and drains, bridges and tunnels. If owners neglect, commissioners may order drains, &c. to be made and scoured. Penalty per rod. Money so expended to be levied with charges. Commissioners not to prejudice the navigation of the Ouze. Limitation of actions. General iffue. Treble costs. Publick act.

CAP. XXXIII.

An act for draining and preserving certain sen lands and low grounds in the several parishes of Ramsey, Bury, Wistow, Warboys, Farceitt, Standground and Water newton in the county of Huntingdon, and of Doddington in the isle of Ely and county of Cambridge.

Lands divided into fix districts. Commissioners for the first district; for the second district; for the third district; for the fourth district; for the fifth district; for the fixth district. Perpetual commissioners. Commissioners to be elected annually. Commissioners dying, &c. others to be chosen. Qualification of commissioners. Penalty on persons acting, if not qualified. Meetings of commissioners. Commissioners to make and maintain works. Waters passing from highlands, &c in first and second districts, not to be excluded from the proper outlets, &c. Satisfaction to be made. In case of difference, damages to be settled at the quarter sessions. If any private mill is taken down, commissioners to make satisfaction to the owner. Commissioners may appoint officers, and allow them salaries. Officers to give security. Commissioners not to hold a place of profit. The acre tax for the respective districts. Ramsey Hern, &c. exempt from all taxes. Taxes to be levied by distress and sale. Tenants may pay taxes, and deduct them from their rent, except where there is a lease of three years to come. Grounds unoccupied to remain

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fecurity for the taxes. The quantity of rateable laude to be given in by the owners. Highlands not to be charged. Manner of determining which are highlands. Mr. Wyldbore's lands not to be taxed while the banks are supported. Taxes may be affigued for money borrowed. Mortgages may be affigned: and affignments transferred. The fums to be borrows ed in each respective district. Taxes to be security for monies berrowed. Application of the monies. Charges of the act to be paid in equal parts by each diffrict. Annual meetings for passing accounts. Officers to account on oath. Certain owners may erect stanches. A mill or mills to be placed at the opening of Ash drain into forry foot river. Ash drain and Wiltow fen drain to be kept open with consent of the corporation of Bad-Ash drain and ford level. Northey bank may be repaired. Ramfey Hern to be imbanked. Commissioners may build a bridge. Outring and division dikes to be kept open by the proprietors No cut to be made in whole lands. Exception. Penalty on making fockdikes, &c. All mills to discharge the water either into Bevill's river, river Nene or Whittlesea meer. Certain works to be drained separately. Delph dike to remain dammed up. Lands which shall not be cut. No trees to be planted within 20 poles of any mill. Persons discharging water by any engine, except into the river Nene, &c. shall forfeit 501. No private bank, &c. to be altered till new ones are made. Allowance to be made from the 4th to the 5th diffrict. Persons damaging the works, to forfeit 100l. and for want of diffres, to be committed. Persons destroying mills, &c. to suffer as felons. Mills to be insured. Allowances for catching moles. Proceedings to be entered in books; books may be produced and read in evidence in cases of appeals. Quorum of commissioners of the several districts. No order made by the commissioners shall be altered, &c. unless 10 days notice be first given All proceedings to be at a meeting. Penalties and forfeitures how to be recovered and applied. This act not to interfere with the confervators of Bedford level. 15 Car. 2. C. 17. Refervation of rights to commissioners for preserving the navigation of Salter's load fluice, &c., 27 Geo. 2. C. 12. Reservation of rights to lords of manors. Limitation of actions. General issue. Double costs. Publick act.

CAP. XXXIV.

An all to enable the commissioners for building Westminster Bridge, to widen the street or avenue leading from Cock-spur Street, to the passage in Spring Garden, near Saint James's park.

WHEREAS commissioners for building a bridge cross the river Thames, from the Woolstaple, or thereabouts, in the parist of Saint Magaret, in the city of Westminster, to the opposite shore in the county of Surry, are by virtue of several former acts of parliament passed in the reign of his present Majesty, or by virtue of some or one of them, impowered to make, open, design, assign, and lay out, such new ways, streets and passages, as they shall find proper to be opened and made on each side the river Thames, to and from the said bridge, the courts of justice, both houses of parliament, and the parts adjacent; and to agree for and purchase such houses and grounds as they shall find necessary for them to be possessed of, and to be removed, rebuilt, pulled down, or employed for those purposes, comprized within certain bounds and limits particularly mentioned and described in the said respective acts, or some or one of them: and whereas the way, street or avenue, leading from Cockspur Street, in the parish of Saint Martin in the Fields, in the liberty of Westminster, to the passage in Spring Gardens leading to Saint James's park.

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park, and from thence to both houses of parliament, Westminster Hall, and the courts of justice, and Westminster Bridge, might be rendered more open, Safe and commodious, for the ease of passengers and the publick benefit, than the same now is, in case the suid commissioners were enabled to open and widen the fuid way, street or avenue, and to purchase, pull down and remove, juch buildings and bouses, and to take possession of such grounds and estates, as they shall think proper and necessary for those purposes; wherefore, for the promoting a design so useful and beneficial to the publick, may it please your most excellent Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and com- ers impowered mons, in this present parliament affembled, and by the authority to widen the of the same, I hat the said commissioners, or any five or more avenues leadof them, shall have full power and authority to open and widen ing from the way, street or avenue, now leading from Cockfpur Street, in the Cockfpur the tirect, to the parish of Saint Martin in the Fields, in the liberty of Westminster, passage in to the paffage in Spring Garden, leading to Saint James's park, in Spring Garfuch manner as they shall think proper.

II. And for the better performance and execution thereof, be and to purit further enacted by the authority aforesaid, That the said chase houses commissioners, or any five or more of them, shall have full power and grounds and authority to agree with the owner or owners, and occupier to be made or occupiers, for the purchase of the freehold and inharitance of the of for that or occupiers, for the purchase of the freehold and inheritance of all purpose; and every fuch building or buildings, house or houses, grounds and estates, as they the said commissioners, or any five or more of them, shall think necessary for them to be possessed of, or to be removed, rebuilt, pulled down, disposed of, or employed, for the purposes of this act, comprized within the bounds and limits following; that is to fay, fituate, standing, lying or being upon, near or adjoining to the faid way, street or avenue, on the east side thereof, as far as a certain messuage or building, messuages or buildings, now in the occupation of Robert Taylor statuary, his undertenants or assigns, and abutting north on Cockspur Street, and south on Spring Gardens; and also to purchase and become possessed of the freehold and inheritance of all such buildings, houses, grounds and estates, and of all rent charges, annuities, mortgages, terms of years, or incumbrances whatfoever affecting the same; any thing in the said several former acts of parliament, or any of them, contained to the contrary there-

of in any wife notwiththanding. III. And whereas it may happen, that some person or persons, bodies politick, corporate or collegiate, corporations aggregate or fole, femes covert, and their lusbands in the right of such femes covert respectively, trustees or feoffees in trust, guardians, and committees for lunaticks and incots, executors and administrators, or other trustees or guardians for femes covert, infants, iffue unborn, or other refluique trusts, or for some charitable or other use or uses, or others wire are themselves, or whole respective wards or ceftuique trufts, are scised, possessed of, or intitled unto, some of the buildings, houses, grounds, or estates, which may be thought necessary to be purchased, removed,

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and in order thereto, they may take foch measures, asby any former acts they are do in like cales.

pulled down, disposed of, or employed by the Said commissioners, within the bounds and limits, and for the purposes mentioned and pre-Scribed in and by this act, or of some estate or interest therein, or of some charge or incumbrance affecting the same, may be willing to treat for and agree to fell fuch buildings, houses, grounds or estates, in order to perfect the useful and beneficial works intended by this act, but are incapable of granting or conveying the same, by reason of some disability, or not being under any disability may refuse to treat, agree for, or fell the same; be it therefore enacted by the authority aforesaid, That the said commissioners, or any five or more of them, shall and may, in order to purchase and become possessed of the several buildings, houses, grounds and estates, to be purchased by virtue of, and under this act, take, use and follow, all or any fuch ways, means, methods and proceedings, and obimpowered to serve such rules and directions, as by any act or acts of parliament heretofore passed in the reign of his present Majesty, they are enabled to take, use, follow, and observe, in order to be purchased, or be possessed of any other houses, grounds and citates; and that all and every the powers and authorities, clauses, rules, forms and directions, prescribed, mentioned, expressed and contained, in each and every of the faid act and acts of parliament heretofore passed in the reign of his present Majefty, in any wife relating to the faid commissioners purchasing or becoming possessed of any other houses, grounds or estates whatfoever, or to any body or bodies politick, corporate or collegiate, corporations aggregate or fole, or any other person or persons whatfoever, felling, disposing of, or conveying any houses, grounds or estates, by any of the said last mentioned act or acts directed to be fold, purchased and conveyed; or for obliging the high bailiff of Westminster to summon juries, and for obliging such juries to affels the value of any such houses, grounds or estates, or any interest therein, in case any person or persons having or claiming to have any such estate or interest, shall refule to fell or convey the same to the said commissioners, or to manifest a sufficient title thereto; or in case the person or persons intitled to any such estate or interest therein, cannot be found, or to the disposal, paying, depositing, or vesting of any fum or fums of money thereby directed to be disposed of, paid, deposited, or vested, as the considerations for the purchase of, or value affeffed for any of the said houses, grounds or estates, or to the obliging persons to produce title deeds, books, papers or writings, for inspection and perusal, or to the obliging any persons to appear, and be examined on oath as witness-Clauses in the es; and every other rule, clause, matter and thing, in each and feveral former every of the faid last-mentioned act and acts of parliament mentioned and contained, and now being in force, thall and are force, extend- hereby declared to be of full force and effect, to all intents and chases, &c. to purposes, for enabling the said commissioners, or any five or be made under more of them, to purchase the freehold and inheritance, and to become possessed of, and to pull down, and remove any of the buildings, houses, grounds and estates within the bounds and

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and limits mentioned and prescribed in this present act; and shall extend, and be in all respects deemed and construed to extend, to all and every the said last-mentioned buildings, houses, grounds and estates, and to all bodies politick, corporate and collegiate, corporations aggregate and fole, femes covert, and their husbands, trustees, and feoffees in trust, guardians and committees for lunaticks and ideots, executors, administrators, and all other trustees and guardians, whether for femes covert, infants, issue unborn, or other cestuique trusts, or for any charitable or other use or uses; and to all other persons whatsoever having or claiming to have, either in their own right or otherwise howsoever, any estate, right, title or interest, in, to or out of the faid last-mentioned buildings, houses, grounds and estates; and to the methods and proceedings, for conveying and absolutely issuing the same to the said commissioners or their trustees, with good titles, usual and reasonable covenants, and free from incumbrances; and for barring, docking, and cutting off all estates tail, dower, and right of dower; and also to bar the right of all and every person and persons, who shall not enter their said claim or claims, and prosecute the same with effect, in the manner, and within the times prescribed and limited by the faid acts of parliament, or some or one of them, as fully and effectually as if the faid powers and authorities, rules, forms, directions, clauses, matters and things, mentioned and contained in each of the said acts of parliament heretofore passed in the reign of his present Majesty, were particularly and at large repeated and enacted in the body of this present act.

IV. And whereas by means of the purchases which the said commissioners are hereby impowered to make, they may be possessed of one or more piece or pieces of ground, over and above what may be neces-fary for the opening and widening the way, street or avenue; he it They may also further enacted by the authority aforesaid, That it shall and may lett or dispose be lawful to and for the said commissioners, or any five or more of any piece of of them, to lett, sell or dispose of any such piece or pieces of ground purground, either together or in parcels, as they shall find most ad- chased by them, not nevantageous and convenient, to any person or persons who shall cessary for be willing to contract, agree for, or purchase the same; that it widening the shall and may also be lawful to and for the said commissioners, street, or any five or more of them, to defign, affign and lay out, in what manner what manner any new houses shall be erected and built on any any new of the faid piece or pieces of ground which they may be pof-houses shall be fessed of as aforesaid, over and above what may be necessary for built thereon; the opening and widening of the faid way, street or avenue; and and the breadth and likewise of what breadth and extent such way, fircet or avenue extent of the shall be; and also to sell and dispose of the materials of such house street; or houses, building or buildings, as they the said commissioners, and sell the old or any five or more of them, shall purchase and cause to be pulled down by virtue of this act.

V. Provided always, That the money arising by the sale or Money arising letting of such grounds, and selling the materials of the houses applied in de. and buildings to be purchased and pulled down as aforesaid, shall traving the

be charges of the

be employed, paid and disposed of, by the said commissioners, or any five or more of them, towards defraying the charges and expences of executing the powers and trufts hereby in them

reposed.

VI. And in order to preserve the Said way, street or avenue, hereby intended to be opened and widened, when the same shall be so spened and widened; and also the houses and buildings that shall be erected on any of the grounds which shall be let or fold by the faid commissioners, by virtue of this act, free from nuisances and annoyances, and to preserve the uniformity and beauty thereof; be it further enacted by the authority aforesaid, That a certain act of parliament passed in the eighteenth year of the reign of his present Majesty, intituled, An act for granting further powers to the commissioners for building a bridge cross the river Thames, from the city of Westminster, to the opposite shore in the county of Surry; and for the better enabling them to finish the said bridge, and to perform the other trust reposed in them; and all and every the powers, authorities, clauses, matters and things, therein mentioned and contained, which are now in force, shall extend to and be deemed and taken to be to all intents and purpofes in full force, with respect to the said last-mentioned way, street or avenue, when the same shall be so opened and widened as aforefaid; and to the owners and occupiers of fuch houses and buildings, as shall be let or fold by the said commissioners by virtue of this act, for effectually impowering and enabling them the faid commissioners, or any five or more of them, from time to time, to perform, use and exercise all and every the like powers and authorities for preserving the said way, street or avenue, and the faid last-mentioned houses and buildings, free from nuisances and annoyances, or for abating any such nuisances, and preferving and for preferving the uniformity and beauty of fuch houses and the uniformity buildings; and for a better and more effectual enforcing the coand beauty of venants, conditions, agreements, limitations and restrictions, the buildings, under which the faid commissioners shall let or fell any pieces of ground or buildings by virtue of this act, as are expressed and contained in the faid act of the eighteenth year of the reign of his present Majesty, with respect to the several streets and premiffes therein mentioned, as fully as if the faid feveral powers, authorities, clauses, matters and things, in that act mentioned and contained, were particularly and at large repeated and reenacted in the body of this present act.

VII. And be it further enacted by the authority aforesaid, That out of all or any of the aids or supplies granted to his Majesty, for the service of the year one thousand seven hundred and fifty seven, there may and shall be applied and paid to the faid commissioners for building the said bridge, or any five or more of them, or to such person or persons as shall be appointed 2,500l. grant- under the hands and feals of the faid commissioners, or any five ed to the com- or more of them, to receive the same, the sum of two thousand missioners for five hundred pounds without account (other than as is herein the purposes after directed) to be applied towards purchasing houses and grounds

Powers and clauses in act 18Geo. 2. C. 29. extended to the street to be widened under this act,

for keeping the fame free from nuifances,

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grounds for widening the faid way, street or avenue, and for making the same more commodious and useful to the publick, and for the payment of other incidental charges and expences attending the execution of this act, in fuch manner, and at fuch times, as the faid commissioners, or any five or more of them, shall from time to time direct.

VIII. And be it also enacted by the authority aforesaid, That Account of the faid commissioners for building the said bridge, shall lay an the application account of the application, as well of the faid fum of two thou- thereof, &c. fand five hundred pounds, as of all other monies raised by virtue to be laid be-of this and the said former acts, and by them applied and ment. expended, before both houses of parliament, within twenty days after the opening of every fession of parliament, in the same manner as they are directed to do by the faid former acts.

IX. And be it further enacted by the authority aforesaid, Charges of That all such costs and charges as shall be expended in obtain- to be paid out ing, or by reason of passing this present act, and such monies as shall of the said mobecome due to any person or persons employed in pursuance nies. hereof, shall be paid out of the monies to be raised by virtue

hereof.

.X. And whereas part of the lands and grounds intended to be purchased by virtue of this act, are the freehold and inheritance of the. right reverend doctor Zachary Pearce, the present lord bishop of Rochester: and whereas a furety and estimate of the value of the faid lands and grounds, and of the buildings and erections thereon, has been had and made by two indifferent perfons, with the confent of the faid lord bishop, who have valued and estimated the same at the sum of one thousand three hundred and forty five pounds: and whereas the Said lord bishop is willing to accept of the Said Sum of one thousand three hundred and forty five pounds, in full fatisfaction for all bis right, title, and interest what seever, in the same, and the street adif the faid lord bishop of Rockester, or the person or persons who to the bishop of shall be respectively intitled to the said lands and grounds, with Rochester the buildings and erections thereon, now belonging to the faid 1,3451. for the lord bithop of Rochester, shall, on or before the first day of August purchase of lord bithop of Rochester, shall, on or before the first day of August purchase of lands, &c. his one thousand seven hundred and fifty seven, signify to the said property, on commissioners, in writing, his, her or their consent, to accept the his making faid fum of one thousand three hundred and forty five pounds, out a title, for his, her or their interest in the said premisses, and shall do, and proper perform and execute, all and every matter and thing as shall be conveyance. necessary and required by the said commissioners, or any five or more of them, for compleating and perfecting his, her or their title to the faid premisses, and for conveying the same to the faid commissioners, in such manner as they, or any five or more of them, shall direct and appoint; then, and in such case, the said commissioners, or any five or more of them, shall, and they are hereby impowered and required, out of the faid fum of two thousand five hundred pounds, to pay and apply the sum of one thousand three hundred and forty five pounds, to the said lord bishop of Rochesier, or to the fuch person or persons as shall be respectively intitled to the said premisses, in such and the like

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manner, as any fum or fums agreed for by the faid commissioners are directed to be paid by virtue of any former acts.

XI. Provided always, and be it enacted, That when the laid way, street or avenue, shall be opened and widened, the foot way on the west side thereof shall be raised six inches at least, above the carriage way, and be paved with good flagg stone, and be made in the narrowest part, not less than nine feet wide; and that the faid carriage way shall not thereafter be altered, so as to raise the same nearer the surface of the said foot way, than the same shall be left, when finished, in pursuance of this act.

XII. Provided also, That in the making the said foot way, cellar story not care be taken not to obstruct the lights of the cellar story adjoin-

to be obstruct- ing to the faid foot way.

and perions acting under them, indemthey shall do.

XIII. And be it further enacted by the authority aforesaid, Commissioners That the said commissioners, and each and every other person or persons authorized by the said commissioners, or any five or more of them, to do any act in execution of any of the powers nified for what intended to be hereby vested in the said commissioners, are and shall be hereby indemnified for what they shall do in pursuance of this act; and that if any action shall be brought, or suit commenced, against any person or persons, for any thing done in pursuance of this act, or in relation to the premisses herein before mentioned, every fuch action or fuit shall be laid or brought within fix calendar months after the fact done; and fuch action Limitation of shall be laid in the county of Middlesex, and not elsewhere; and the defendant or defendants in such action or suit, shall and may be at liberty to plead the general issue, and give this act and the special matter in evidence without specially pleading thesame.

actions. General issue.

CAP. XXXV.

An act for draining and preferving certain fen lands lying in the South Level, part of the great level of the fens, commonly called Bedford Level, between Brandon River and Sams's Cut Drain; and for impowering the governor, bailiffs and commonalty, of the company of confervators of the faid great level, to fell certain lands within the faid limits, commonly called Invested Lands.

Who shall be commissioners for putting the act in execution. First com. missioners for Feltwel, Helgay, Southery and Methwold. Proprietors to meet in March annually, to chuse commissioners. If no election shall be made in any year, the commissioners for the preceeding year to be continued. Qualification of commissioners. Commissioners to meet half-yearly, or oftener. Their first general meeting to be held at Feltwell. Subsequent meetings where. Commissioners to make orders for draining, &c. and to appoint proper officers. Collectors to give fecurity. 1s. to be paid to each commissioner for his attendance at any meeting. Commissioners impowered to scour and make cuts, drains, and other works. The waters to be thrown off into the Oufe and Brandon. Satisfaction to be made for damages done in erecting new works. Differences to be settled by the justices at their quarter sessions. Acre rates to be made for defraying the expences. Highlands not subject to be rated. Hod and turf pools not rateable for feven years. Decoy of Robert Clough may be imbanked, and is not rateable. Two persons to be appointed to set out the commissioners portion of common, to be enjoyed in feveralty, and to vest in the commissioners in trust, &c. The fen reeves neglecting, the justices are to appoint a proper person. Commissioners may borrow money on the rates, with interest. Application of the money borrowed. Principal not to exceed 4000l. Rates



1757.] Anno tricesimo Georgii II. c. 36.

charged with the principal and interest, and on non-payment to west in the creditors. Assignments may be transferred. Entry to be made thereof. Rates on non-payment, after notice, may be levied by distress and sale. Tenants to pay the rates, and deduct the same out the rent. Exception. Where no distress can be found, the lands are to remain a security; and if lands shall be dug up into hods or turf, taxes are to be levied on owner's goods wherefoever found. Horse mills and other engines may be erected on arable lands, to drain the same. Owners neglecting to rode, &c. the leading dikes and lay proper tunnels, collectors to cause the same to be done, and levy the expence. Penalty on persons making watering places for cattle in milldrains, or driving waggons on the banks. Penalty of destroying the banks, or other works, &c. Accounts of receipts and difbursements to be audited annually; and the vouchers to be produced, &c. Accounts when allowed to be entered in 3 books, &c. Rights of the confervators of Bedford Level reserved to them. 15 Car. 2. C. 17, 20 Car. 2. C. 8. The corporation's receiver is to pay out of the taxes of the south and middle leveis. the rates chargeable hereby on the invested lands, until the faid lands are fold. Commissioners to be appointed annually for the invested lands. The said lands may be fold by auction, giving notice of such fale. Corporation to make a conveyance thereof to the purchasers. The faid lands are liable to be rated after fale, as they were before. Limitation of actions. General iffue. Treble costs. Publick act.

CAP. XXXVI.

An act for draining and preserving certain sen lands, low grounds and commons in the townships or hamlets of March and Wimblington, and in the parish of Upwell in the isle of Ely and county of Cambridge.

Lands to be divided into fix districts: The first district. Second district. Third diftrict. Fourth diftrict. Fifth diftrict. Sixth diffrict. Commiffioners for 1st, 3d, 5th and 6th districts. Commissioners intitled but to one vote. Commissioners for the second district. Fourth district. Election of commissioners for fourth district. Qualification. Agents may be appointed. For qualifying persons jointly possessed of estates. Meetings for the respective districts. Where to be held. Commissioners to make and maintain works; making satisfaction. Officers to be appointed. Taxes on several lands. The quantity of rateable lands to be given in by the owners. Taxes on common rights; how to be apportioned, and raised. Servirate collectors. Certain lots exempted. Highlands not to be charged. Manner of determining which are highlands. Exemption in 2d diffrict. Money to be borrowed. And affignments transferred. The sums to be borrowed in each respective diffrict. Taxes not to be under a certain rate when money is owing. Taxes to be fecurity for monies borrowed. Application of the monies. Charges of the act to be paid in equal parts by each diffrict. Taxes to be levied by Tenants may pay taxes, and deduct them from their diffress and sale. rent; except where there is a leafe of three years to come. Taxes upon Estepher farm, &c. to be paid by the tenants. Grounds unoccupied to remain a security for the taxes. No order made by the commissioners shall be altered, &c. unless to days notice be first given. All orders to be made at meetings. Persons destroying mills, &c. to suffer as felons. Persons damaging the works, to forfeit 1001. Penalty on working horse mills, &c. Accounts how to be fettled. Proceedings to be entered in books; books may be produced and read in evidence in cates of appeals. Satisfaction to be made for private mills. Allowance to be made in the 4th diffrict for private banks. Private works not to be altered until the mills are ready to work. Directing bridges and tunnels to be crected and made. Penalty on making watering places and fock dikes, &c. A bank to be made on the well fide of Plant Water, Owner's of Barber's Lot may maintain the bank to the gravel bank. Mr. Coilier to support his bank. Outring ditch next to Mr. Collier's lands to be cleanfed How waters are to be drained from ift and 2d diffrict. No trees to be planted within 20 poles of any mill. Drains not to be made thro' Mir. Brown's lands. Penalty on neglecting to cleanse dikes, &c. Notice of meetings for the second diffrict. Saving of rights to the corporation of Bedford Level. 15 Car.

Anno tricesimo Georgii II. C. 37, 38. 1757. 192

2. C. 17. Reservation of rights to commissioners for preserving the navigation of Salter's Load Sluice, &c. 27 Geo. 2. 6. 12. Limitation of actions. General iffue. Treble costs. Public act.

CAP. XXXVII.

An act for enlarging the times limited for executing and performing several provisions, powers and directions in certain acts of this session of parliament.

HEREAS by certain alls of this present session of parliament, several provisions, powers and authorities therein contained, have been or may be required, directed or authorized to be executed on or before the day of the passing of such acts respectively, whereby several doubts and difficulties may arise with respect to the execution of the faid acts, and the good purposes thereby intended may be defeated; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and are directed to temporal and commons in this present parliament assembled, and by the authority of the same, That in case any act of parliament hath passed, or doth or thall pass, at any time whatfoever during this present session of parliament, whereby any provision, power or authority, or any matter or thing hath been, such act shall is or shall be directed, required or authorized to be executed, done or performed, on or before any day which hath been, is or shall be the day of the passing, or which hath, is or shall have elapsed, before the passing of any such act respectively; in each and every fuch case, all such provisions, powers, authorities, matters and things, as have been, are or shall be directed or required to be executed, done or performed, on or before the days respectively limited in every such act, shall be and are hereby directed and required to be executed, done or performed, on or before the fourteenth day after the day of passing this act, by the persons respectively, who in every such act respectively have been, are or shall be directed or required to execute, do or perform the same, on or before the days therein limited; and all such provisions, powers, authorities, matters and things, as have been, are or shall be authorized to be executed, done or performed, on or before the respective days limited in every such act respectively, may be and are hereby authorized to be executed, done and performed, on or before the faid fourteenth day after the day of paffing of this act, by the persons respectively who have been, are or shall be authorized to execute, do or perform the same; ters fo done de- and all fuch provisions, powers, authorities, matters and things fo executed, done and performed, on or before the faid fourteenth day after the day of patting this act, thall be as valid and effectual, and be deemed and taken, to all intents and purposes, as if the fame had been executed, done and performed, on or before the days limited in every fuch act respectively; any thing therein

Where any provisions, powers, &c. be executed by any act of this fession, before the day, &c. on which happen to have passed, the fame may be executed on or before the 14th day after paffing this act;

and the mat clared to be valid.

CAP. XXXVIII.

contained to the contrary notwithstanding.

An act for amending, widening, and keeping in repair, several roads in and near to the town of Tenbury in the counties of Salop, Worcester and Hereford.

CAP.

1757.] Anno tricesimo Georgii II. c. 39,--48.

CAP. XXXIX.

An act for repairing and widening several roads leading to, through and from the town of Frome in the county of Somerset; and for giving further powers to the trustees in an act passed in the twenty fifth year of his present Majesty's reign, for repairing the roads from the town of Warminster in the county of Wilts, to the city of Bath in the county of Somerset, and other roads therein mentioned.

CAP. XL.

An act for enlarging the terms and powers granted by two acts of parliament, one passed in the third, and the other in the seventeenth year of the reign of his present Majesty, for repairing the road leading from a gate called Shipston Toll gate at Bridgetown in the parish of Old Stratford in the county of Warwick, through Alderminster and Shipston upon Stower, to the top of Long Compton Hill in the said county of Warwick; and also for repairing the road leading from the first mile stone standing on the said Shipston road, through a lane called Clifford Lane, and throw Mickleton and Chipping Campden, to a place called Andover's Ford, in the county of Gloucester.

CAP. XLI.

An act for amending, widening, and keeping in repair, the road from the turnpike road at the bottom of Shaw Hill in the parish of Melksham, through Googes Lane, Corsham, Biddeston and West Yatton, to the turnpike road at Upper Combe in the parish of Castlecombe in the county of Wilts.

CAP. XLII.

An act for the afcertaining and collecting the poor's rates; and for the better ordering and regulating the poor in the parish of saint Luke in the county of Middlesex.

CAP. XLIII.

An act for amending, widening, and keeping in repair, the road from the town of Hitchin in the county of Hertford, through the town of Shefford and Carrington Cotton End, to a lane opposite a farm house called saint Leonard's, leading into the turnpike road from St. Alban's to the town of Bedford; and also the road from the turning out of the aforesaid road into Henlow Field to Gerford Bridge; and also the road from the town of Henlow, over Henlow bridge, to Arlesey in the county of Bedford.

CAP. XLIV.

An act for amending, widening, and keeping in repair, the road leading from Burleigh Bridge in the town of Loughborough, to Ashby de la Zouch in the county of Leicester.

CAP. XLV.

An act for amending, widening, and keeping in repair, the roads from the east end of the town of Hertford in the county of Hertford, through Watton to Broadwater; and from the town of Ware, through Watton, to the north end of the towns of Walkern in the faid county.

CAP. XLVI.

An act for amending, widening, making commodious, and keeping in repair, the road from the Cross Keys, otherwise Brickers Barn in the parish of Corsham in the county of Wilts, to Bath Easton Bridge in the county of Somerset.

CAP. XLVII.

An act for making the river Blyth navigable from Halesworth Bridge in the county of Suffolk, into the haven of Southwould.

CAP. XLVIII.

An act for repairing and widening the road from Towcester, through Silverston and Brackley in the county of Northampton, and Ardley and VOL. XXII.

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Anno tricesimo Georgii II. c. 49,--56. [1757.

Middleton Stoney, to Weston gate in the parish of Weston on the Green in the county of Oxford.

CAP. XLIX.

An act for repairing and widening the road from Markfield turnpike in the county of Leicester, over Charley, otherwise Charnwood forest, thro the town of Whitwick; and from thence through Talbot Lane, to where the road leading from the town of Loughborough, to the town of Ashby de la Zouch in the said county, comes in from Ryley Lane, near to a place called Snape Gate.

CAP. L.

An act for amending, widening, and keeping in repair, the roads leading from the village of Milford in the county of Surry, through Petworth, to the top of Dunckton Hill, and from Petworth, to Stopham Bridge in the county of Sussex.

CAP. LI.

An act for explaining and amending several acts of parliament for repairing the roads between a place called the White Post, on Alconbury Hill and Wansford Bridge in the county of Huntingdon, and between Norman Cross Hill in the said county, and the city of Peterborough, with respect to the elections of new trustees, the power of compelling persons employed by the trustees in the execution of such acts, to deliver up such books and papers relating thereto as are in their custody, and also to the manner of summoning and holding the meetings of the trustees.

CAP. LII.

An act for enlarging the term and powers granted by an act passed in the twentieth year of the reign of his present Majesty, for repairing the high road leading from the north end of the Cow Cawsey, near the town of Newcastle upon Tyne, to the town of Belford: and from thence to Buckton Burn in the county of Northumberland; and for making the same more effectual.

CAP. LIII.

An act for enlarging the term and powers granted by two acts of parliament, one passed in the fourth year of the reign of his late majetty King George, and the other in the ninth year of the reign of his present Majetty, for repairing the highways from Crown Corner in the town of Reading, leading by and through the several parishes of Shinfield and Heckfield in the several counties of Berks, Wilts and Southampton, to Basingstoke in the county of Southampton.

CAP. LIV.

An act for enlarging the terms and powers granted by two several acts passed in the sourteenth year of his present Majesty, the one for repairing the roads from a place called the Red House near Doncaster, to Wakefield, and through the said town of Wakefield by Dewsbury, Hightown and Lightcliff, to the town of Halisax in the West Riding of the county of York; and the other for repairing the road from Wakefield to Pontesract, and from thence to a place called Weeland in the township of Hensall; and from Pontesract to Wentbridge in the township of Darrington in the west riding of the county of York.

CAP. LV.

An act for rebuilding the bridge over the river Ribble, between the townfhips of Preston and Penwortham, near a place called The Fish House in the county paiatine of Lancaster.

CAP. LVI.

An act for rebuilding and keeping in repair the shire hall of the county of Warwick.

CAP.



1757.] Anno tricesimo Georgii II. c. 57,--65.

CAP. LVII.

An act for enlarging the term and powers granted by an act passed in the twenty sixth year of the reign of his present Majesty, intituled, An act for repairing several roads leading into the city of Glasgow, so far as the same relates to certain roads mentioned in the said act; and also to enlarge the term and powers granted by an act passed in the twenty seventh year of the reign of his present Majesty, intituled, An act to explain, amend, and render more effectual an act passed in the twenty sixth year of the reign of his present Majesty, intituled, An act for repairing several roads leading into the city of Glasgow; and to repair several other roads leading into the said city; and for building a bridge cross the river of Inchinnan.

CAP. LVIII.

An act for enlarging the term, and amending and altering several powers granted by an act made in the twentieth year of his present Majesty's reign, for opening, cleansing, repairing and improving the haven of Southwould in the county of Susfolk.

CAP. LIX.

An act for building a bridge over the river Lea, at or near a place called Jeremy's Ferry; and for making, repairing, and widening roads from thence into the great roads at Snaresbrook in the county of Essex, and at Clapton in the county of Middlesex.

CAP. LX.

An act for repairing and widening the road from the north end of Dapdon Wharf in the parish of Stoke, next Guldeford, through Guldeford to Andrew's Cross, and to Alford Bars in the county of Surry, and from thence to Saint Mary's Gate in Arundel in the county of Sussex.

CAP. LXI.

An act for repairing the road from a place called The Golden Farmer, near Bagfhot in the county of Surrey, to Hertfordbridge hill in the county of Southampton.

CAP. LXII.

An act for making the river Ivel, and the branches thereof navigable, from the river Ouze at Tempsford in the county of Bedford, to Shotling Mill, otherwise called Burnt Mill in the parish of Hitchin in the county of Hertford; and to Black Horse Mill in the parish of Bygrave in the said county of Hertford; and to the south and north bridges in the town of Shefford in the said county of Bedford.

CAP. LXIII.

An act for building a bridge or bridges cross the river of Thames, from a certain place in Old Brentford in the parish of Ealing in the county of Middlesex, known by the name of Smith or Smith's Hill, to the opposite shore in the county of Surry.

CAP. LXIV.

An act for enlarging the terms and powers granted by two acts of parliament of the first and seventeenth years of the reign of his present Majesty, for repairing and amending several roads leading to and from the Borough of Evesham in the county of Worcester; and for explaining and making more effectual the said acts; and also for amending, widening and keeping in repair, several other roads in the counties of Worcester, Warwick and Gloucester.

CAP. LXV.

An act for cleaning, paving and lightening the streets of the city of Bath, and liberties thereof; and for regulating chairmen; and also for the keeping a sufficient and well regulated watch in the night time, in the



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faid city and liberties; and to oblige all owners of houses, and other buildings within the faid city and liberties, to bring down the water from the roots of their houses, and other buildings, by proper pipes, down the fides or walls of fuch houses and buildings; and also to oblige all coal carriages to pass by the borough walls of the said city during the night feafon.

CAP. LXVI.

An act to explain, amend, and render more effectual, an act made in the last session of parliament, For repairing and widening several roads leading from a gate called Poole Gate in the town and county of Poole.

CAP. LXVII.

An act for enlarging the terms and powers granted by an act passed in the twelfth year of the reign of his present Majesty, for repairing and enlarging the highways between the top of Kingidown Hill and the city of Bath, and for amending several other highways therein mentioned, leading to the faid city; and also for repairing several other roads therein mentioned.

CAP. LXVIII.

An act for repairing and widening the roads leading from Spalding High Bridge, through Littleworth, and by Frognall, and over James Deeping Stone Bridge in the county of Lincoln, to Maxey Outgang in the county of Northampton, adjoining the high road there.

CAP. LXIX.

An act for amending, widening, and keeping in repair, the roads from the town of Wrexham in the county of Denbigh, to Pentre Bridge in the county of Flint; and from the town of Mold, to Northopp, Holywell and Rhuddlan in the same county; and from thence to the Ferry House opposite to the town of Conway in the county of Carnarvon; and from Ruthin to the faid town of Mold.

Anno Regni GEORGII II. Regis Magnæ Britanniæ, Franciæ, & Hiberniæ, tricesimo primo.

A T the parliament begun and holden at Westminster, the thirty first day of May, Anno Dom. one thousand seven hundred and fifty four, in the twenty seventh year of the reign of our sovereign lord George the Second, by the grace of God, of Great Britain, France, and Ireland, King, defender of the faith, &c. And from thence continued by several prorogations to the first day of December one thousand seven bundred and fifty seven, being the fifth seffion of this present parliament.

CAP. I.

An all for continuing certain laws made in the last session of parliament, for probibiting the exportation of corn, malt, meal,

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meal, flour, bread, biscuit, and starch; and for probibiting the making of low wines and spirits, from wheat, barley, malt, or any other fort of grain, or from meal or flour; and to allow the transportation of wheat, barley, oats, meal, and flour, to the Isle of Man, for the use of the inhabitants there; and for reviving and continuing an att made in the same session, for discontinuing the duties upon corn and flour imported, and upon corn, grain, meal, bread, biscuit, and flour, taken from the enemy; and to permit the importation of corn and flour into Great Britain and Ireland, in neutral ships; and to authorize his Majesty, with the advice of his privy council, to order and permit the exportation of such quantities of the commodities aforesaid, as may be necessary for the sustentation of any forces in the pay of Great Britain, or of those of his Majesty's allies acting in support of the common cause; and to probibit the payment of any bounty upon the exportation of any of the said commodities to be made during the continuance of this act.

IXTHEREAS the laws herein after-mentioned are near ex- Preamble. piring, and it is expedient that the same should be further continued; may it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That an act made 2 acts of 30 in the last session of parliament, intituled, An act to probibit, for Geo. 2. a time to be limited, the exportation of corn, malt, meal, flour, bread, biscuit, and starch; and also an act made in the same session, intituled, An act to prohibit, for a limited time, the making of low wines and spirits from wheat, barley, malt, or any other fort of grain, or from any meal or flour; shall be, and the same are here-continued to by further continued, from the expiration thereof respectively, 24 Dec. 1758. until the twenty fourth day of December, one thousand seven hundred and fifty eight.

II. Provided always, and be it enacted by the authority a- Corn may be foresaid, That the said act, intituled, An act to prohibit, for a exported from time to be limited, the exportation of corn, malt, meal, flour, bread, and Exeter, to biscuit, and starch, or any thing therein contained, shall not ex- the lile of tend to any wheat, barley, oats, meal, or flour, to be transport- Man, for the ed out of or from the ports of Southampton or Exeter only, unto ule of the inthe Isle of Man, for the only use of the inhabitants of that island, habitants fo as the exporter, before the lading of fuch wheat, barley, oats, meal, or flour, or laying the same on board, do become bound the exporter, with other sufficient security (which the customer or comptroller giving securi of either of the faid ports respectively, hath hereby power to take ty. in his Majesty's name, and to his Majesty's use, and for which

Anno tricesimo primo Georgii II. C. 1. security no fee or reward shall be given or taken) that such wheat, barley, oats, meal, or flour, shall be landed in the said Ifte of Man (the danger of the seas only excepted) for the use of

the inhabitants there, and shall not be landed or sold in any other parts whatsoever, and to return the like certificates of the landing the same there, as are by the said act required on the exportation of the said commodities to the British colonies in America, and within the time for that purpose therein mentioned, and so as the whole quantity of wheat, barley, oats, meal, or flour, which at any time or times after the passing of this act, and before the said twenty fourth day of December, shall be shipped at both the said ports for the said Isle of Man as aforefaid, shall not exceed in the whole, two thousand five hundred quarters, one moiety whereof to be exported at the faid port of

Quantity exported not to exceed 2.500 quarters in the whole.

faid port of Exeter; any thing in the faid act, or any other act to the contrary notwithstanding.

Act of 30 Geo. 2. continued to 24 Dec. 3758;

III. And whereas an act made in the last session of parliament, intituled, An act to discontinue, for a limited time, the duties upon corn and flour imported, and also upon such corn, grain, meal, bread, biscuit, and flour, as have been or shall be taken from the enemy, and brought into this kingdom, is expired, and it is neceffary that the same should be revived and continued; be it therefore enacted by the authority aforesaid, That the said act shall be, and the same is hereby revived, and shall continue and be in force, until the twenty fourth day of December, one thou-

Southampton, and the other moiety thereof to be exported at the

fand feven hundred and fifty eight.

IV. And be it further enacted by the authority aforesaid, That it shall be lawful, during the continuance of the said act, and flour may and under the regulations therein mentioned, for any person or persons whatsoever, to import and bring into this kingdom, in any thip or vessel belonging to Great Britain, or to any kingdom or state in amity with his Majesty, his heirs, or successors, from any part or place whatfoever, corn and flour duty free; and that it shall be lawful at any time or times before the said twenty fourth day of December, for any person or persons whatsoever, to import and bring into the kingdom of Ireland, in any thip or vessel belonging to any kingdom or state in amity with his Majelty, his heirs, or fuccellors, corn and flour from any port or place whatfoever; any act or acts of parliament to the contrary notwithstanding.

V. And whereas it may become necessary, in case of exigency, to export certain quantities of the commodities aforefaid, for the supply and sustentation of any forces in the pay of Great Britain, or of those of his Majesty's allies, acting in support of In case of exi- the common cause; be it provided and enacted by the authority aforelaid, That, in case of such exigency, it shall and may be lawful to and for his Majesty, at any time during the continu-&c. to be ex. ance of this act, by and with the advice of his privy council. ported for the from time to time, to order and permit to be exported from supply of for- Great Britain or Ireland, for the only use, supply, and susten-

during which time, corn be imported into Great Britain or Ireland dutyfree, from toreign states in amity with the King.

igency, the King may

tation

Anno tricesimo primo Georgii II. c. 2, 3. 1758.]

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tation of the said forces, such quantities of the aforesaid com-ces in his pay, modities as shall be necessary for that purpose, and in such or those of his manner, as his Majesty shall think fit to direct; any thing in this or any other act to the contrary in any wife notwithftanding.

VI. Provided always, That, during the continuance of this No bounty to act, the bounty or bounties granted by any law upon the expor- be paid on tation of any of the commodities before-mentioned, shall not be corn, &c. exallowed or paid to any person upon the exportation thereof out ported. of this kingdom to any place whatfoever, or by whatfoever authority the same may be exported; any thing in this or any other act of parliament to the contrary notwithstanding.

CAP. II.

An act for continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the service of the year one thoufand feven hundred and fifty eight.

CAP. III.

An act for allowing the importation of such fine Italian organzine filk into this kingdom from any port or place whatfocuer, as skall have been shipped on or before the day therein mentioned.

X7HEREAS by an act passed the last session of parlia- Preamble, rement, intituled, An act for the importation of fine organ- citing clause zined Italian thrown filk; it was (among other things) enacted, in act 30 G. 2. that it should and might be lawful for any person or persons to import or bring into this kingdom from any port or place, or in any thip or vessel whatsoever until the first day of December, one thousand seven hundred and fifty seven, organzined thrown filk of the growth or production of Italy; and that all fuch organzined thrown filk as was allowed to be imported by the faid act, wherefoever landed, should be brought to his Majesty's custom-house at London, to the intent that no other fort of thrown filk might be imported than that allowed by the faid act: and whereas, in pursuance of the said act, large quantities of fuch filk were bought and fent over land through Germany, and in all probability would have arrived at London fome time before the expiration of the said act, if the carriage thereof by land had not been protracted by rains and inundations in Italy; and if the faid filk, when shipped, had not been detained in port by storm and contrary winds, so that the faid filk could not possibly arrive before the time limited by the faid act: and whereas the greatest part of the said silk is, since that time, arrived in the river of Thames: and whereas, if the same is not admitted to be entered, the persons, whose property the said filk is, will be great sufferers; be it therefore enacted by the King's most excellent majesty, by and with the advice and confent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same,

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Importation allowed of filk, as was 1757, under the regulaticited act.

That it shall and may be lawful to and for any person or perfons to import and bring into this kingdom from any port or lian organzine place, and in any ship or vessel whatsoever, all such fine organzine thrown filk of the growth or production of Italy, and shipped on or of the quality described by the said act, as shall appear by the before 30 Nov. several bills of lading, and the oaths of the respective captains, to have been shipped on or before the thirtieth day of Novemons in the re- ber, one thousand seven hundred and fifty seven, under, and subject to, such penalties and forfeitures as are in the said act mentioned; any thing in the faid recited act, or any other law or statute, to the contrary notwithstanding.

CAP. IV.

An act for granting an aid to his Majesty by a land tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and fifty eight; and for inforcing the payment of the rates to be affeffed upon Somerfet House in the Strand. Four shillings in the pound.

CAP. V.

An act for punishing mutiny and desertion; and for the better payment of the army and their quarters.

CAP. VI.

An act for the regulation of his Majesty's marine forces while on shore.

CAP. VII.

An act for appointing commissioners for putting in execution an act of this fession of parliament, intituled, An act for granting an aid to his Majesty, by a land tax to be raised in Great Britain, for the service of the year one thousand seven hundred and fifty eight; and for enforcing the payment of the rates to be affeffed upon Somerfet House in the Strand; and for rectifying a mistake in the said act; and for allowing farther time to the receivers of certain aids, for fetting insuper for monies in arrear.

CAP. VIII.

An act for enlarging the terms and powers granted and continued by several acts of parliament, for repairing the barbour of Dover in the county of Kent.

Preamble, reciting clauses in act is and 12 Will. 3.

TATHEREAS by an act of parliament made and passed in the eleventh and twelfth years of the reign of his late majesty King William the Third, intituled, An act for the repair of Dover harbour, several rates and duties were charged upon coals, and upon thips and veffels, in order to raife a tum, not exceeding thirty thousand one hundred pounds, to be applied for repairing and perfecting the faid harbour of Dover, under fuch rates and directions, and with fuch penalties and other provisions for the levying and recovering the same, as are therein mentioned, inferted, and contained; and which rates, duties, and provisions, were to take place and commence from the first day of May, one thousand seven hundred, and to continue and be in force, until the first day of May, one thousand seven hundred and nine; and by two subsequent acts, one of them made



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made in the second year of the reign of her late majesty Queen 2 Annæ. Anne, and the other of them in the fourth year of the reign of 4 Geo. 1. his late majesty King George the First, were continued, and declared to be in force, until the first day of May, one thousand feven hundred and twenty feven: and whereas by an act made and passed in the ninth year of his late majesty King George the First, 9 Geo, z. intituled, An act for compleating the repairs of the harbour of Dover in the county of Kent; and for restoring the harbour of Rye in the county of Sussex to its ancient goodness; after taking notice of the faid former acts relating to the harbour of Dover, and that it was found that the faid fum of thirty thousand one hundred pounds was not sufficient for the purposes of the said former acts; and that unless a further sum was raised, the said harbour could not be effectually repaired and secured, according to the intent of the faid former acts; but that the useful works then begun and carried on for the benefit of the publick, would be wholly loft, and the said harbour again fall to decay, and the town itself be in danger of being utterly lost and destroyed; and also reciting, that the ancient harbour of Rye was formerly of great use and benefit to trade and navigation, but the same was then choaked up, and that it was necessary to open the same in fuch manner as should be found most proper and expedient to restore the said harbour; it was therefore enacted, That the faid acts respectively made in the eleventh and twelfth years of the reign of King William the Third, and the second year of the reign of Queen Anne, for the repair of Dover harbour, and every clause, matter, or thing, in them, or either of them, contained, and not altered by the faid act of the ninth year of King George the First, should continue, and be in full force and virtue, till the first day of May, one thousand seven hundred and forty four, for the purposes in that and the said former acts mentioned; and that the duty of three pence per ton, granted by the faid act of the eleventh and twelfth years of King William the third, for the repair of Dover harbour, upon all ships and vesfels therein described, should, from the first day of May, one thousand seven hundred and twenty three, be collected and received, in fuch manner, and by fuch officers and persons respectively, as in and by the said act of the eleventh and twelfth of King William the Third, was directed and appointed; and should be appropriated, divided, and paid, for the benefit of the faid harbour of Dover and Rye respectively, in manner following; that is to fay, one third thereof to the treasurer for Dover harbour for the time being, to be applied to such uses and purposes as in and by the said former acts are directed; and the other two thirds to the treasurer for the harbour of Rye, to be appointed as therein after is directed: and whereas by an act 11 Geo. 2. made in the eleventh year of the reign of his present Majesty, the faid recited acts, and all the clauses, powers, penalties, and forfeitures, authorities, articles, rules, and directions, therein contained and prescribed, and then in force, should continue and be in full force, and executed, from and after the expiration of



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the term continued and granted by the faid act of the ninth year of the reign of his faid late majesty King George the First, for and during the further term of twenty one years, which term will expire the first day of May one thousand seven hundred and fixty five, old stile: and whereas the commissioners or trustees acting under the authority of the former acts for the harbour of Dover, did borrow upon the credit of the fame acts the fum of three thousand pounds, which hath been applied pursuant to the directions and for the purpoles of the said former acts, and for the repayment thereof with interest, the rates and duties so granted were charged and made a fecurity to the person and perfons who advanced and lent the faid fum, and the fame doth still remain due, and owing, and unsatisfied: and whereas great progress hath been made in the works intended for the preservation and improvement of the harbour of Dever, but the works proposed and directed to be done for that purpose have not been perfected and compleated: and whereas it would tend greatly to the preservation of his Majesty's ships of war, and the protection and encouragement of the trade of this kingdom, that the faid harbour of Dover should be effectually repaired, and put in good order and condition, but the money arifing by the rates and duties granted and appropriated by the faid former act of the ninth year of the reign of King George the First, for the repair of Dover harbour, will not be sufficient for that purpose, and for discharging the said sum of three thousand pounds borrowed upon the credit of the former acts as aforefaid, unless the terms for which the faid rates and duties are granted by the said former acts be enlarged, or some other provision be made in that behalf: may it therefore please your Majetty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the expiration of the terms continued and granted by the faid act pailed in the ninth year of the reign of his late Majesty, and by the said act of the eleventh year of his present Majesty, one moiety of the rates and duties granted and continued by the faid former acts, shall be granted and continued for the term of twenty one years, and shall be collected and received in such manner, and by fuch officers and perfons respectively, as was directed by the faid act of King William the Third, with respect to the duties thereby granted; and shall be applied for the benefit and support of the harbour of Dover, and for the discharging the faid fum of three thousand pounds, and such other money as shall hereafter be borrowed and taken up upon any mortgage for fecurity to be made of the duties applicable for the benefit of the fame harbour; and that all the provisions, powers, penalties and forfeitures contained in the faid former acts of King tions of the William the Third, King George the First, and his prefent Maby litt acts, infly to for an elementalism walness as the best

A moiety of the rates granted by former acts, continued for 21) cars.

Application thereof.

The powers and regula-

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the division of them into two parts, which is herein before other- the purposes wise provided for) shall be and continue in as full force as they of this act. now are, by virtue of the said acts, for and during the said term of twenty one years, to commence from the expiration of of the said former terms granted and continued by the said acts.

II. And be it further enacted by the authority aforesaid, That Publick act. this present act shall be deemed, adjudged, and taken to be a publick act, and be judicially taken notice of as such by all judges, justices, and other persons whatsoever, without specially pleading the same.

CAP. IX.

An ast to indemnify persons who have omitted to qualify themselves for offices and employments; and to indemnify justices of the peace, and others, who have omitted to register their qualifications within the time limited by law; and for giving further time for those purposes, and the filing of affidavits of articles of clerkship.

Preamble, reciting the several qualifying acts of 1 Geo. 1. 13 Car. 2. 25 Car. 2. 13 Car. 2. 18 Geo. 2. 30 Geo. 2. Further time, to 28 Nov. 1758, allowed to persons who have omitted to qualify themselves, as the said laws direct. Persons qualifying themselves in manner and within the time appointed, recapacitated and indemnified. Further time allowed for providing and stamping admissions into civil offices. Officers thereupon recapacitated, and indemnified. Offices, &c. already avoided by judgement of a court, and filled up, confirmed. Proviso.

CAP. X.

An all for the encouragement of seamen employed in the royal navy; and for establishing a regular method for the punctual, frequent, and certain payment of their wages; and for enabling them more easily and readily to remit the same for the support of their wives and families; and for preventing frauds and abuses attending such payments.

XTHEREAS the encouragement of Seamen employed in the Preamble. royal navy, will greatly tend to augment the marine force of this realm, whereon, under the good providence and protection of God, the security of these kingdoms, and the support and preservation of their trade and commerce, do most immediately depend: and whereas by an act made in the first year of the reign of his present Majesty, Act 1 Geo. 2. intituled, An act for granting an aid to his Majesty, of five hundred thousand pounds, towards discharging wages due to seamen; and for the constant, regular, and punctual payment of feamens wages for the future; and for appropriating the fupplies granted in this present session of parliament; and for disposing of the surplus of the money granted for half pay, for the year one thousand seven hundred and twenty seven; and by another all also made in the first year of the reign of his present Majesty, Alt I Geo. 2. intituled, An act for encouraging seamen to enter into his Majesty's service; several provisions and regulations were enacted and prescribed, for the benefit and encouragement of the seamen employed in the royal navy, and for preventing frauds and abujes in purchasing of their wages or pay; which provisions and regulations, from vari-

ous difficulties in carrying the same into execution, have been found, in a great measure, in feetual to answer the purposes thereby intended: and whereas the establishing a regular method for the punctual, frequent, and certain payment of the wages or pay due to inferior officers and seamen employed in the royal navy; the enabling such officers and Jeamen more eafily and readily to obtain fuch payments, and to allot and remit any part thereof for the Support and relief of their wives and families; and the preventing, as far as may be, the unwary, the ignorant, or the necessitous, from being defrauded and injured by the extortion and usury of wicked and evil-designing persons, are of the utmost consequence to the publick service; therefore, for effectuating these important and compassionate purposes, be it enacted by the King's most excellent majesty, by and with the advice and confent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the autho-Volunteer, en- rity of the same, That from and after the first day of November, one thousand seven hundred and fifty eight, if any seaman, or able-bodied landman, shall freely and voluntarily come before and enter his name with any commission officer or officers of the fleet, to be appointed for entering such volunteers, in order to serve in, or on board, any of the ships or vessels of his Majesty, his heirs, or successors, then fitting out for sea, or that and receiving shall be in want of men, and shall receive a certificate of his fo doing from such commission officer or officers (who is or are hereby directed and required to make out and give fuch certificates, without fee or reward, and duly to date the fame) and if fuch person shall forthwith proceed towards such ship or vesfel, and shall make his personal appearance on board the same, and appearing within the space of fourteen days from the day of the date of fuch certificate, inclusive of the day of the date thereof, if the board the thip place where he so enters his name be not above one hundred in which he is miles distant from the port where such ship or vessel lies; or within the space of twenty days, if it be at a greater distance; or within the space of thirty days, if the place where he so enters his name be above two hundred miles diffant; then, and in fuch case, every such person shall be and is hereby declared to and to be paid be, intitled to wages from the day of the date of such certificate, inclusive of the day of the date thereof, and shall also be allowed the usual conduct money, and shall be paid an advance of two months wages at the first fitting out of such ship or vessel, and before such thip or vessel in which he shall serve shall proceed to ica.

tering his name with a proper officer,

a certificate thereof,

within a limitto lerve, is intitled to wages from the date of his certificate; conduct money, and an advance of two months wages.

II. And for remedying the many inconveniencies, mistakes, and bardships, which arise from hearing any scamen or able-bodied landmen on board of his Majesty's ships, for any length of time, as supernumeraries, for victuals only, be it further enacted by the authority a-Men borne on foresaid, That from and after the said first day of November, every feaman, or able-bodied landman, who shall be entered on the books of any thip or vettel belonging to his Majetty, his his heirs, or fuccessors, as supernumerary to the complement of fuch ship or versel, shall be borne for, and intitled to, his

wages,

any fhip's books as fupernumeraries, are intitled to wages, &c.

Anno tricesimo primo Georgii II. c. 10. 1758.]

wages, upon the books of the first, and of every other ship or on board the veffel in which he shall serve for the space of ten days, and shall first and every receive all other benefits and advantages as if he were part of fhall ferve in

the complement thereof.

III. Provided always, That where fuch feaman, or able-bo- &c. died landman, shall have been lent from any ship or vessel be- Men lent from longing to his Majesty, his heirs, or successors, to any other another, are to fuch thip or vessel, such seaman, or able-bodied landman, shall be borne on continue to be borne for, and intitled to, his wages, upon the the ship's books of fuch ship or vessel from which he shall have been so books they lent, until he shall be regularly discharged from thence, and in from till disno other; any thing herein contained to the contrary notwith-charged.

itanding.

IV. And be it further enacted by the authority aforesaid, Inferior of-That from and after the faid first day of November, in case any ficer or sea-inferior officer or seaman shall be turned over from one ship or man turned over to ano. vessel in the service of his Majesty, his heirs, or successors, into ther ship, any other fuch thip or vessel, either by order from the lord high admiral of Great Britain, or from the commissioners for executing the office of lord high admiral of Great Britain, or any three or more of them, or by order from any commander in the chief of any squadron of such ships or vessels, in any port of shall be or Great Britain, or on the coast of the same, every such officer come into any and seaman, in case such ship or vessel, into which he shall be port of Great fo turned over, shall be in or shall come into any port of Great Britain, where Britain where any commissioner of the navy shall be or reside, a commissionshall be paid, by proper pay lists to be made out, all the wages vy shall be, which shall appear to be due to him in the ship or vessel from is to be paid which he shall be so turned over, before the ship or vessel, into the wages due which he shall be turned over, shall proceed to sea; unless it to him before shall be otherwise directed by special order from the lord high to sea, admiral of Great Britain, or from the commissioners for executing unless by the the office of lord high admiral of Great Britain, or any three or admirally it more of them, in cases of the greatest exigency only: and if be otherwise fuch ship or vessel, in pursuance of the said order, shall proceed in which case, to sea before such payment can possibly be made, then the said he is to be wages shall be paid as soon as ever such ship or vessel shall come paid as soon as again into any fuch port of Great Britain where any com-the ship remissioner of the navy shall be or reside as aforesaid.

V. Provided always, and be it further enacted by the autho-Personsturned rity aforesaid, That in case any officer or seaman shall be turn- over, are to be ed over from one ship or vessel in the service of his Majesty, his rated, and heirs or fuccessors, into any other fuch ship or vessel; then, and serve, as in the in such case, such officer or seaman, so turned over, shall not former thip; ferve or be rated in a worse quality, or lower degree or station, than he served in or was rated for in the ship or vessel from which and to be paid he was turned over; and shall receive, over and above such wages their wages as shall then be due to him, an advance of two months wages, then due, and before the ship or vessel into which he shall be so turned over pay in adshall proceed to sea, in case he shall not have received such ad-vance, if none

for 10 days,

port asain.

vance be received

kets,

Anno tricesimo primo Georgii II. c. 10. 1758. vance in any of the ships or vessels from which he shall be so

be appropriated and issued, in the first place, out of the grants for fufficient for the regular payment of feamens ticviz. If a ship shall be in lea pay twelve months, or

and transmit them, with 3 a flop book, to the navy board.

the coast of

to make out

5 pay books

On the ship's arrival where a commillioner is, money is to be folicited, and payment intmediately to be made,

deducting advance money and defalcation.

off within 2 months.

turned over. VI. And, to the intent that all arrears of feamens wages, and their growing wages, may be conflantly, regularly, and punctually paid; be it further enacted by the authority aforesaid, That from and out of such monies as have been or thall be granted in this fession of parliament, for the service of the navy; and also Monies are to from and out of all fuch supplies as shall be hereafter granted in parliament, for any naval fervices, fuch fums of money shall, in the first place, be appropriated, and shall, from time to time, be issued and applied, as shall be sufficient for the constant, regular, and punctual payment of all tickets that shall be made out in the manner herein after directed, for the wages or pay naval fervices, due to any officer or feaman; and also for the constant, regular, and punctual discharge of all wages or pay now due, or to grow due, upon any ship's books, to any officer or feaman employed in the royal navy, in manner following; that is to fay, That from time to time, and at all times, from and after the faid first day of November, when and so often as any of the ships or vessels of his Majesty, his heirs, or successors, thall have been in sea pay twelve whole months, or more, if such ship or vessel shall more, and he then be, or shall arrive, in any port of Great Britain, or on the in port, or on coast thereof, the captain or commander of such ship or vessel shall immediately make out, or cause to be made out, five com-Great Britain, plete pay books for all the officers and feamen belonging to the the captain is faid thip or vessel, for all the time that such thip or vessel shall have been in fea pay, except the last fix months; to which last 6 months) time, videlicet, the last fix months, the wages due upon all such thips or vessels are hereby intended to be cleared; and shall forthwith fend or transmit, by the first safe opportunity, such alphabets, and pay books, together with three alphabets, and a flop book, to the commissioners of the navy, at their board; and whensoever or as foon as any fuch ship or vessel, having been twelve whole months or more in fea pay as aforefaid, shall be or arrive in any port of Great Britain where any commissioner of the navy shall be or reside, the said commissioners of the navy, at their board, are hereby firielly directed and required to follicit fuch fums of money as shall be sufficient, and as soon as the same shall be iffued, to cause immediate payment to be made of all the wages due upon the faid pay books as aforefaid, to all fuch officers and feamen, their executors or administrators, or to the respective attorney or attornies of fuch officers or feamen, their executors or administrators duly authorized as is herein after directed, deducting thereout whatever monies shall have been paid before by way of advance, or that shall stand against them in the books of fuch thips or veffels, on account of any defalcation; leaving always fix months wages, and no more, due to fuch officers and feamen for their fervice in fuch thip or vetfel, unpaid and Ships Laid up in arrear: and whenever any of the thips or veffels of his Majeare to be paid fly, his heirs, or fuccessors, shall return home in order to be laid up, all the wages due to the officers and feamen ferving on

board



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board of any such ship or vessel, shall be entirely paid off as foon as may be, or within two months at farthest after the arrival of such ship or vessel in the port where the same is defigned to be laid up: and it is hereby declared, That the compu- Month to contation of the faid month's wages shall be by reckoning twenty nit of 28 days. eight days to the month, according to the usual course or practice of the navy.

VII. And whereas inferior officers and seamen are frequently abfent, either with the leave of the commanding officer, or upon duty, at the time of the payment of the ship or vessel to which they belong; therefore, for enabling such officers or teamen to receive their wages or pay with as little delay as possible; be it enacted by the authority aforesaid, That from and after the said first day of Upon applica-November, whenfoever and as often as any application shall be tion to the made to the commissioners of the navy, at their board, by any navy beard, fuch inferior officer or seaman, who shall then be in the service the pay books of his Majesty, his heirs, or successors, and who shall have are to be sent been so absent at the payment of the thip or vessel whereunto he commissioner, did belong as aforesaid, or from the captain or commander of for paying off any thip or vessel of his Majesty, his heirs, or successors, on such menthen board of which such officer or seaman shall then serve, in case in the service such ship or vessel shall be in any port where any commissioner been absent at of the navy shall be or reside; then the commissioners of the the payment navy, at their board, shall immediately, upon such application, or the mip. cause the pay books of such ship or vessel so paid, or pay lists for such officers and seamen so unpaid made out from them, to be fent, without any delay, to the committioner of the navy at the port where such ship or versel shall be to which such officers or feamen shall then belong; and such committiener of the navy

and feamen of the wages or pay which they were entitled to receive on the payment of fuch ship or vessel, as aforesaid. VIII. And whereas many inconveniencies and frauds have arisen for want of a proper regulation with respect to making out, and to the payment of, the tickets of inferior officers and feamen; be it therefore enacted by the authority aforefaid, That from and Upon the after the faid first day of November, if any inferior officer or death of an feaman shall die in the service of his Majerly, his heirs, or suc-interior officeffors, the captain or commander of the ship or vessel in which cer or seaman, such officer or seaman served at the time of his death, thell are the captain is fuch officer or seaman served at the time of his death, shall, as to make out a soon as may be after his death, make out a ticket for the wages ticket for his or pay due to fuch officer or seaman at the time of his death; pay, and which ticket the faid captain or commander shall sign himself, transmit the and shall cause to be signed by the proper signing officers of navy board; fuch ship or vessel, and shall fend or transmit the said ticket so for the ute of made out and figned as aforesaid, by the first safe opportunity, the executors. to the commissioners of the navy, at their board, for the use of the executors or administrators of such officer or seaman: and Day of rethe said commissioners of the navy shall immediately cause the cept to be in-day of the receipt of such ticket to be indorsed thereon; and dorsed therefuch ticket shall be forthwith examined and shall, by three or ticket to be

shall forthwith cause payment to be made to the said officers

more examinee, and

affigned for payment;

and to be delivered to the executors,

and the money paid.

Captain to report interior officer or feaman fit to be ditcharged as unferviceable;

and upon difcharge granted, to make out a ticket for his pay, &c.

him a certificate of his discharge,

but transmit the ticket to the navy board;

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more of the said commissioners of the navy, be assigned for payment as soon as may be, or within one month at farthest, to be computed from the day of the making fuch indorfement; and the said ticket being so assigned for payment, shall, without any fee or reward whatsoever, be delivered, upon demand, to the executors or administrators of such officer or seaman, or to their respective attorney or attornies, to be duly authorized as is herein after directed; and the money due thereon shall, without any fee or reward whatfoever, be paid to fuch executors or administrators, or to their respective attorney or attornies as aforesaid, as soon as such ticket shall be brought to the pay of-

fice of the navy.

IX. And be it further enacted by the authority aforesaid, That from and after the faid first day of November, when and so often as any inferior officer or seaman, in the service of his Majesty, his heirs, or successors, shall, by wounds, sickness, or any other manifest infirmity, be disabled and rendered unserviceable, in case such officer or seaman shall be on board of any ship or vessel which shall then be in any port of Great Britain, or on the coast thereof, or which shall belong to any squadron of his Majesty's ships or vessels which shall not be in any port of Great Britain, or on the coast thereof, the captain or commander of fuch thip or veffel, thall represent the same to the commander in chief of any squadron of his Majesty's ships or vessels, who is hereby directed carefully to inquire into, and to examine the fame; and if he shall be fully satisfied thereof, such commander in chief shall order such captain or commander to discharge such officer or feaman, and to make out and fign, in the usual form, a ticket for the wages or pay then due to fuch officer or feaman; or if such ship or vessel shall not be in any port of Great Britain, or on the coast thereof, and shall not belong to any squadron of ships or vessels of his Majesty, his heirs, or successors, or shall be separated from the commander in chief of any squadron to which such ship or vessel shall belong, then the captain or commander of such ship or vessel, being fully satisfied of such disability, shall discharge such officer or seaman, and shall make out fuch ticket without the direction of any fuch commander in chief, and shall sign the same himself, and cause it to be signed by the proper figning officers, as aforefaid: and whenever any fuch officer or feaman, so disabled and rendered unserviceable, shall be discharged, and such ticket shall be so made out for such officer or feaman, and shall be signed in the manner herein beand deliver to fore directed, such captain or commander shall, at the same time, grant and deliver to fuch officer or feaman, without fee or reward, a certificate of his discharge, containing an exact copy of the faid ticket, and a description of the person for whom such ticket was to made out; which ticket shall not, upon any account or pretence whatfoever, be delivered to fuch officer or feaman, but such captain or commander shall send or transmit the fame, by the first safe opportunity, to the commissioners of the navy, at their board, for the use of such officer or seaman;

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and the faid commissioners shall immediately cause the day when who are to enthey shall receive such ticket to be endorsed thereon, and such dorse the day ticket shall be forthwith examined, and shall, by three or more thereon, and of the faid commissioners, be assigned for payment, as soon as examine the may be, or within one month at farthest from the day of the ticket, and making of such endorsement: and in case such officer or seaman assign it for shall present the said certificate of his discharge at the navy of and if prefice, the faid commissioners of the navy, or any of them, shall sentment be forthwith examine the faid certificate, and the person presenting made of the the same, and being satisfied that the said certificate was made certificate, the same, and being satisfied that the said certificate was made they are to out for the said person, and that he is rendered unserviceable, examine, and shall fign and testify the same on such certificate; and the said sign the same, ticket, being so assigned for payment, shall, without any fee or if satisfied reward whatsoever, be immediately delivered to such officer or therewith; feaman to whom such certificate of discharge shall have been the ticket granted as aforesaid, and to no other person whatsoever, and the thereupon to money due thereon shall, without any fee or reward, be paid the owner, to fuch officer or feaman, and to no other person whatsoever, as and the mofoon as fuch ticket shall be brought to the pay office of the navy; paid. or if the faid ticket shall not have been transmitted to, and re- it the ticket ceived by the faid commissioners of the navy, at their board, he not transthen the said certificate shall be forthwith examined as aforesaid, mitted or and the money appearing to be due on the said ticket, by the certificate copy thereof contained in the said certificate, shall be paid to alone, when the person producing the same, as aforesaid, and to no other examined, &c. person whatsoever, in like manner as if the said original ticket is sufficient. had been transmitted and received: and in case any officer or If the certififeaman, fo discharged, shall be desirous to receive his wages or cate be prepay at any port of Great Britain where a commissioner of the sented to a navy shall be or reside, and shall present to such commissioner commissioner the certificate of his discharge; the said commissioner upon ex- in any of the amining such certificate, and the person so presenting the same, Britain, he is and being satisfied that the said certificate was made out for the to examine faid person, and that he is rendered unserviceable, shall fign and fign the and testify the same on such certificate, and transmit such certi- fied therewith, ficate to the commissioners of the navy, at their board, who are and transmit hereby frictly charged and required, within four days after the it to the navy receipt of such certificate, to cause the ticket made out and hoard, &c. transmitted to them for such officer or seaman, and affigued for who are to orpayment as aforesaid; or if such ticket shall not have been trans- to be made mitted to, and received by them, then the faid certificate, con- thereupon at taining a copy of the faid ticket, instead thereof; to be sent to such port, the faid commissioner of the navy at such port, who shall cause the money due thereon to be immediately paid at fuch port, to fuch officer or feaman applying for the same, and intitled thereto, without any fee, reward, or deduction whatfoever; and the and the comcommissioner of the navy at such port where such certificate missioner is to shall be so presented, shall send such officer or seamon, so pre-abled man, fenting the same, with an order to the nearest hospital, who with an order, shall receive such officer or seaman, and victual him trom the to the nearest Vol. XXII.

time hospital, till

Payment of

his wages.

cd,

or the perion not appear, and prelent the fame,

due on the ticket be not paid before the general payment of ticket is to be cancelled, and the wages to

Captain to make out nick tickets for those set ashore, and the hospital;

and if any be discharged as unserviceable, a certificate thereof, with the fick ticket annex'd, is to be granted him ; which being

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time he shall present such certificate, until he shall be so paid

the wages or pay due to him as aforefaid.

X. Provided always, and it is hereby further enacted by the cate should be authority aforesaid, That in case any such certificate herein before lost ordestroy- directed to be granted and delivered to such inferior officer or feaman, so discharged, on account of being rendered unserviceable, as aforesaid, should happen to be lost or destroyed; or if any fuch officer or feaman should not appear in person, and prefent the same to the commissioners of the navy, at their board, or to the commissioner of the navy at any such port in Great Britain, as aforesaid; in either of which cases, the wages or pay due to such officer or seaman, would not be payable by virtue or the money of the faid ticket so made out for him; or if the wages or pay due upon such ticket, shall not be paid before the general payment of the ship's company; then, and in every such case, the faid commissioners of the navy, at their board, shall cause such ticket to be cancelled, and all such wages or pay shall accordend the ship; the become payable to such officer or seaman, his executors or administrators, or to the respective attorney or attornies of such officer or seaman, his executors or administrators, demanding be paid to the the same, and duly authorized as is herein after directed, when executors, &c. the wages or pay due upon such ship or vessel shall be paid, in the manner prescribed by this act, and as if such ticket and certificate had never been made out or granted; any thing herein contained, or any law or usage to the contrary, notwithstanding. XI. And be it further enacted by the authority aforesaid,

That from and after the faid first day of November, when and fo often as any inferior officer or feaman belonging to any ship or vessel of his Majesty, his heirs, or successors, shall, by order of the captain or commander of such thip or vessel, be set sick same with the ashore, and be sent into any hospital, or sick quarters, for his fick persons to recovery, such captain or commander shall, at the same time, make out a fick ticket for the wages or pay then due to such officer or seaman, and shall sign the same himself, and cause it to be figned by the proper figning officers as aforefaid; which fick ticket being so made out, and signed, shall be transmitted along with fuch officer or feaman to fuch hospital or fick quarters: and if such officer or seaman not being cured in such hospital, or fick quarters, shall be regularly discharged from thence as unserviceable, then a certificate of such discharge, together with the faid fick ticket annexed thereunto, shall be granted and delivered to him; and in case he shall present the same to the commissioner of the navy that shall be or reside at any port in Great Britain, such commissioner of the navy, upon examining the person presenting the same, and being duly satisfied that he is rendered unferviceable, shall sign and testify the same on such certificate, and shall forthwith transmit such certificate, together prefented to a with the faid tick ticket annexe! thereunto, to the commissioners commissioner, of the navy, at their board, who are hereby strictly charged and is to be figured required immediately to cause the day when they shall receive by him, it sam fed there- the fame to be indorfed thereon, and fuch certificate and fick

ticket



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ticket annexed thereunto, to be examined by the muster books, with, and if received, and a proper ticket or pay lift, in the usual form, transmitted with the ticket to be made out within four days after the receipt of fuch certi- to the navy ficate and fick ticket, for the payment of all wages or pay due board, who to fuch officer or feaman; and shall send such ticket or pay list are to examine without any delay to the faid commissioner of the navy at such and indorse port, who shall, without any fee or reward whatsoever, cause the same, and the money due thereon to be immediately paid to fuch officer pay lift, or seaman applying for the same, and intitled thereunto; who and the party notwithstanding such discharge, shall be kept and maintained in is to be kept in fuch hespital, or fick quarters, from the time he shall present fick quarters such certificate and fick ticket annexed thereunto, until he shall till payment.

be so paid the wages or pay due to him, as aforelaid.

XII. Provided always, and it is hereby further enacted by Payment of the authority aforesaid, That in case the muster books or pay tickets, cerbooks for any such ship or vessel shall not be regularly trans- pay lists, not mitted to, and received by, the commissioners of the navy, in to be delayed, the manner herein before prescribed, yet the payment of the for want of the tickets, or certificates containing copies thereof, or pay lifts, muster or pay herein before directed to be made out or granted, thall not be books not bedelayed or postponed for such omission; but if any error, to the to the navy detriment of the publick treasure, shall be made in any such board. ticket, or certificate containing a copy thereof, or pay lifts, by If error be the captain or commander issuing or making out the same, the made in any loss arising by such error shall be made good and compensated loss to be out of any wages or pay due or to grow due to fuch captain or made good out commander by whom such ticket, or certificate, or pay list, of the capwas fo made out or granted as aforefaid.

XIII. And, in order to enable inferior officers and feamen employed abroad to remit any part of their wages or pay for the support of their wives and families, without any expence or delay, and free from usurious oppressions; be it further enacted by the authority aforesaid, That from and after the said first day If a ship, not of November, when and so often as any such ship or vessel which on the coast, shall not be in any port of Great Britain, or on the coast there- or in a port of of, shall have twelve months wages or pay due, the captain or shall be in sea commander of such ship or vessel shall read over, or cause to be pay twelve read over, in a distinct audible manner, the names of all the months, inferior officers and feamen belonging to fuch thip or vefiel, and the captain is shall cause every such officer and seaman to answer to his name; ship's crew to and shall do the same, from time to time, at the end of every be called over, fix months, as long as such ship or vessel shall have twelve months, or more, wages or pay due as aforesaid: and if any and if any fuch officer or feaman shall thereupon declare by word of mouth, shall defire to or deliver in writing, the name and place of abode of his wife, remit his wafather, or mother, and defire that the whole, or any part, of ges to his wife his wages or pay then due (except the wages or pay that shall or parents, be due for the last six months of his service on board such ship or vessel) should be allotted and paid to his said wife, father, or mother, by the receiver general of the land tax for any county, riding, or city, in Great Britain, or by the collector of the cut-

to direct proper lifts of fuch persons to be made out,

which are to be figned by them, and the proper officers, and the navy board,

bills, dupliallotments,

to the appointment in the litts,

and figned by three commissioners.

toms for any port, or collector of the excise for any collection in Great Britain, or by the clerk of the cheque at any of his the captain is Majesty's dock yards; then, and in such case, the captain or commander of fuch ship or vessel is hereby strictly required and enjoined to cause four lists to be made out, which shall contain the names of all such inferior officers and seamen as shall be desirous to remit to their wives, fathers, or mothers, the whole, or any part, of their wages or pay, except for the last fix months of their service as aforesaid; in which lists, the amount of the wages or pay so desired to be paid, the name and place of abode of fuch officer or feaman's wife, father, or mother, to whom such wages or pay are to be remitted and paid, and the receiver general of the land tax, collector of the customs, collector of the excise, or clerk of the cheque, by whom such wages are to be made payable, shall be specified and described in three separate distinct columns, opposite to the name of such officer or feaman, in the faid lifts; and every fuch officer or feaman who shall so defire that any such part of his wages or pay may be allotted and paid to his wife, father, or mother, shall write his name, or make his mark, in a separate distinct column transmitted to in the said lists; which lists shall be forthwith compleated, and figned by the captain or commander, and proper figning officers of fuch thip or veffel; and fuch captain or commander shall transmit the said lists, by the first safe opportunity, without any neglect or delay whatfoever, to the commissioners of the navy, at their board: and the faid commissioners, upon receiving such lists wherein any fuch allotment shall be made by any fuch inferior officer or feaman, of any fuch part of his wages or pay, to make out two his wife, father, or mother, shall immediately make out, or cause to be made out, two bills for every fuch allotment; which bills cates, for fuch shall be duplicates, and joined together with oblique lines, flourishes, or devices, in such manner as the said commissioners, or which are to any three or more of them, shall think proper; and shall be be made pay- made payable to the wife, father, or mother, respectively, of ableaccording such inferior officer or seaman, by the receiver general of the land tax, collector of the customs, collector of the excise, or clerk of the cheque, respectively, according to the appointment in such lists; and the said bills, being numbered and dated, shall be signed by any three commissioners of the navy, and be written or printed according to the following form:

> Navy Office. A. Nº I. day of SIR, in the county DAY to B. D. of inferior officer, upon his producing the duto his Majesty's ship plicate hereof, together with a certificate, under the hands of the minister and churchwardens, or, in that part of Great Britain called

Scotland, under the hands of the minister and two elders of the pa-

The form.



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rift where the said B. D. was married, that the said B. D. to the bost of their knowledge and belief, is the { wife father } of the faid E. being on account of the wages of the D. the fum of said E. D. if the same shall be demanded within six calendar months from the date hereof; otherwise you are to return this bill to the treasurer of the navy, at the pay office of the navy.

The receiver general of the land tax of the county The collector of the cuftoms at the port of The collector of the The clerk of the Lcheque at

Signed, {O. P. } Commissioners of the name

By virtue of the all of the thirty first George the Second.

N.B. The personating or falsely assuming the name and character of the wife or relation of any inferior officer or Seaman, or procuring any other to do the same, in order to receive wages due to such officer or Seaman, is made felony without benefit of clergy, by thirty first George the Second.

And as foon as the faid bills shall be so made out and signed, The bills to be the faid commissioners of the navy shall cause them to be cut cut out inasunder, indentwise, through the oblique lines, flourishes, or dentwise; and devices; and shall cause one of the said bills to be transmitted one to be sent forthwith to the person nominated and specified in such lists as to the person the wife, father, or mother, of such officer or seaman, and the lift, other of the faid bills to be transmitted forthwith to the faid re- and the other ceiver general of the land tax, collector of the customs, collector to the person of the excise, or clerk of the cheque, on whom such bill shall be on whom the fo drawn as aforefaid: and the faid receiver general of the land Upon prefenttax, collector of the customs, collector of the excise, and clerk of ment of the the cheque, if the faid duplicates of fuch bill shall be produced duplicate and and delivered to either of them respectively within fix calendar certificate months from the date thereof, are hereby required and enjoined within fix to examine such duplicate, together with the certificate to be examination produced as aforesaid; and to enquire into the truth thereof, by of the truth the oath of the person producing the same; which oath they are certified on hereby respectively authorized and directed to administer; and the back of the upon being duly fatisfied of the truth of fuch certificate, to tef- ney to be tify the same on the back of such bill; and shall immediately paid; pay to the wife, father, or mother, of fuch officer or feaman, without fee or reward on any pretence whatfoever, the fum con-

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and the bill to the navy board, and repaid by the trealurer.

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If the duplicate and certender'd, &c. within fix months,

the bill is to the treasurer of the navy, and the moto the feaman, &c. when the thip is paid.

Bills to be in like manner, if a feaman, at the time of receiving his pay, shall defire to remit any part

tained in such bill, taking his or her receipt for the same on the back thereof; which bill so paid, upon being produced and and duplicate delivered, together with the duplicate thereof, at the navy ofto be returned fice, shall be immediately assigned for payment by three or more commissioners of the navy; and shall be immediately repaid by the treasurer of the navy, to such receiver general of the land tax, collector of the customs, collector of the excise, clerk of the cheque, or to the order of any fuch receiver general, collector of the customs, collector of the excise, or clerk of the cheque respectively: but in case the duplicate of such bill shall not be produced and delivered, and the payment thereof be tificate be not demanded, within fix calendar months from the date thereof, or if a proper certificate of the person claiming to be the wife, father, or mother, of such officer or seaman, be not likewise produced, then the faid receiver general, collector of the cuftoms, collector of the excise, or clerk of the cheque, shall return such bill to the treasurer of the navy, at the pay office of the navy, who shall cause such bill to be immediately cancelled; and from and after the cancelling thereof, the fum contained be returned to in such bill shall accrue and become payable to such inferior officer or feaman for whose wages or pay it was made out, or to and cancelled; his executors or administrators, or to the respective attorney or attornies of fuch officer or feaman, his executors or administraney to be paid tors, demanding the fame, and duly authorized as is herein after directed, without any fee, reward, or deduction whatfoever, when the wages or pay due upon fuch thip or vessel shall be paid, in the manner prescribed by this act.

XIV. And, for the better enabling inferior officers and feamen, upon payment being made to them of their wages or pay in the manner hereby before directed, to remit any part thereof to their wives, children, or parents, or to such other person as they shall judge proper; be it further enacted by the authority aforesaid, That from and after the said first day of November, made out, &c. when and so often as any wages or pay due to such inferior officer or feaman shall be paid at the pay office of the navy, or at any of the out ports, in the manner before prescribed, if such officer or feaman shall defire to receive a bill for the whole, or for any part of his faid wages or pay, to be drawn upon the receiver general of the land tax for any county, riding, or city, in Great Britain, or upon any collector of the cuttoms for any port, thereof to his or collector of the excile for any collection in Great Britain, or wife, children, upon the clerk of the cheque at any of his Majesty's dock or parents, &c. yards; then, and in fuch case, two bills, being duplicates, and joined together with oblique lines, flourishes, for devices, as aforefaid, shall be immediately made out, numbered, and dated, by the clerk of the treasurer of the navy, appointed to pay such wages, and be figned, if made out at the pay office of the navy, by the commissioners of the navy comptrolling the payment when such bills thall be so made out; or if made out at any of the out ports, by the commissioner of the navy comptrolling fuch payment there; and fuch bills shall be attested at the foot thereof,



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thereof, by the first clerk of the treasurer of the navy at such pay office or out port; and the faid bills shall be made payable to fuch person or persons only, and by such receiver general, collector of the customs, collector of the excise, or clerk of the cheque, as shall then be named by such inferior officer or seaman, and inferted in fuch bills; which shall be written or printed according to the following form:

A. Nº I.

day of

SIR,

on { his her their } producing and Form of the bills. PAY to B. C. of delivering the duplicate hereof, the fum of being on account of the wages of D. E. mariner, on board of his if the same be demanded within Majesty's ship the fix calendar months from the date hereof; otherwise you are to return this bill to the treasurer of the navy at the pay office of the navy.

By virtue of the act of the thirty first of George the Second.

And so soon as the said bill shall be made out, assigned, and at- Bills to be cut tested, the said commissioner of the navy shall cause them to be cut indentwise, afunder, indentwise through the oblique lines, flourishes, or de- and one to be vices, and shall cause one of the said bills to be delivered to such the seaman, officer or seaman, and the other to be forthwith transmitted to and the other the said receiver general of the land tax, collector of the customs, to be remitted collector of the excise, or clerk of the cheque, on whom such to the person bill shall be drawn as aforesaid: and the said receiver general of on whom it is the land tax, collector of the customs, collector of the excise, or Upon produclerk of the cheque, are hereby frietly required and enjoin- cing the duplied, if the duplicate of fuch bill shall, within the calendar months cate within fix from the date thereof, be produced and delivered to either of months, the them respectively, by the person or persons to whom such bill is paid; pavable, to pay to fuch person or persons immediately, without fee or reward on any pretence whatfoever, the fum contained therein, taking his, her, or their receipt for the same, on the P 4

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and upon re- back of the faid bill; which bill so paid, upon being produced turning the fame, &c. to the navy ofney to be re-If the dupiicate be not of the navy, and the moor his executors, &c.

and delivered, together with the duplicate thereof, at the navy office, shall be immediately assigned for payment by three or fice, the mo- more commissioners of the navy, and shall be immediately repaid by the treasurer of the navy to such receiver general of the imbursed, &c. land tax, collector of the customs, collector of the excise, or clerk of the cheque, or to the order of any fuch receiver geneproduced, and ral, collector of the customs, collector of the excise, or clerk of payment de- the cheque; but in case the duplicate of such bill shall not be manded, with produced and delivered, and the payment of the same be dein fix months, manded, within fix calendar months from the date thereof, then be returned to the faid receiver general, collector of the customs, collector of the treasurer the excise, or clerk of the cheque, shall return such bill to the treasurer of the navy at the pay office of the navy, who shall and cancelled; cause such bill, or the duplicate thereof, so delivered to such ofney to be paid ficer or seaman, if the same shall be returned, to be immedito the feaman, ately cancelled; and from and after the return and cancelling of fuch bill, or of the duplicate thereof, fuch part of the wages or pay for which fuch bill was fo made out, shall be immediately paid to such inferior officer or seaman, or his executors or administrators, or to the respective attorney or attornies of such officer or feaman, his executors or administrators, demanding the fame, and duly authorized as is herein after directed, without any fee, reward, or deduction, whatfoever. XV. Provided always, and it is hereby further enacted by the

if the duplicate be not paid when tender'd, the cause of refufal or delay, and the time when tendered, to be indorfed thereon,

authority aforefaid. That if any fuch receiver general, collector of the customs, collector of the excise, or clerk of the cheque, to whom the duplicate of any of the bills herein before directed to be made out, shall be tendered for payment by the wife, father, or mother, of any such officer or seaman, shall not then have in his hands publick money sufficient to answer the same,

and a future day of payment to be appointed, &c.

and shall refuse or delay the immediate payment thereof, such receiver general, collector of the customs, collector of the excife, or clerk of the cheque, shall immediately indorse on the back of the faid duplicate, the day of its being so tendered to him, and the cause of his refusal or delay to pay the same; and shall appoint thereon for the payment of such bill, some future

If payment has been unnecessarily delayed,

day, within the space of two months at the farthest from the day of its having been first tendered to him, as aforesaid; which duplicate, with the indorfement thereon, shall immediately be delivered back to the person presenting the same: and if, upon complaint to be made to the respective commissioners appointed by his Majesty, his heirs, or successors, to manage the said several duties of the land tax, customs, or excise, or to the commissioners of the navy if the person complained of be a clerk of

account of been taken,

of the customs, collector of the excise, or clerk of the cheque, hath unnecessarily and wilfully refused or delayed the payment or any fee, on of fuch bill; or that fuch receiver general, collector of the cuftoms, collector of the excise, or clerk of the cheque, or any payment, hath person employed by or under any of them, hath directly or in-

directly

the cheque, it shall appear that such receiver general, collector



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directly received or taken any fee, reward, gratuity, discount, or deduction whatfoever, on account of the payment of the faid bill; it shall and may be lawful to and for any three or more of the offender to the faid commissioners to convict and fine any such offender un- forfeit 501. der their respective direction, in any sum not exceeding fifty pounds, according to the nature and degree of the offence; which conviction shall be made by such respective commissioners, and fuch fine shall be levied and recovered, in such and the same manner, to all intents and purposes, as any conviction may be made, and any penalty may be levied or recovered, for any offence against any law by which any custom or excise is imposed or laid; and the said fine, when recovered, shall be to the inforpaid to the informer or informers against such offender or of- mer. tenders.

XVI. Provided always, That this act, or any thing herein Wages of apcontained, shall not extend to or be construed to invalidate or prentice to be make void any indenture or indentures, whereby any mafter is paid to his or shall be intitled to have or receive the wages, pay, or other master, allowances of money, earned by his apprentice, but fuch wages, pay, or other allowances, shall be paid by the treasurer of the navy for the time being, or by his direction, according to fuch indenture or indentures, as has been usual in such cases; unless unless he be afuch apprentice shall be above the age of eighteen years at the bove the age time when such indenture or indentures were made and execu- of eighteen ted, or unless such apprentice shall have been hired and rated dentures were as a fervant to any commission or warrant officer belonging to executed; or any of the ships or vessels of his Majesty, his heirs, or succes- be rated as fors, fuch apprenticeship not being then known to such officer; servant to in which case, the wages or pay of such servant shall be due and to whom such payable to such commission or warrant officer, according to the apprenticeusual practice of the navy, until such officer shall be informed ship was unof fuch apprenticeship: and in either of the cases herein before known. mentioned, the master of such apprentice shall not be intitled to receive any wages, pay, or allowances, by virtue of any fuch indenture; any thing herein contained, or any law, statute, or usage, to the contrary thereof, in any wife notwithstanding.

XVII. And whereas it is of great importance to the carrying on of the payments in the manner herein before directed, that all the captains and commanders of the ships and vellels of his Majesty, his heirs or successors, should regularly transmit to the commissioners of the navy, by the first safe opportunity, all such complete pay books, and all such lists and tickets, to be so made out as aforesaid, and should also regularly transmit to the commissioners of the navy, once in every two months from the time any such ships or vessels shall have been entered into sea pay, muster books for every such ship or vestel, according to the method now prescribed and required, or which shall at any time hereafter be prescribed and required, by the lord high admiral of Great Britain, or by the commissioners for executing the office of lord high admiral of Great Britain; be it therefore enacted by the authority aforesaid, That from and after the said first day of Captains to

November, every captain and commander of every thip or vef- transmit regufel larly to the

navy board pay books, and lifts of tickets to be made out;

and also once in 2 months the ship's muster book, properly tign'd, &cc.

and in default, &c.

(except in cases of neceffity, to be made appear to the lords of the admiraity)

to forfeit all the cheft at Chatham,

and to fuffer moreover, as a court martial fhall adjudge.

The tickets, bills, deemed fufficient vouchers to the treasurer of the navy for money paid thereon.

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sel of his Majesty, his heirs or successors, shall and do, from time to time, regularly and duly fend or transmit to the commissioners of the navy, at their board, by the first lafe opportunity, all and every such complete pay books, and all and every fuch lift or lifts, ticket or tickets, to be fo made out as aforefaid; and also shall and do regularly and duly send and transmit, once in every two months, to the commissioners of the navy, at their board, one complete muster book for such ship or vessel, figned by himself and the proper officers, not only for the said two months, but for the whole time which such ship or vessel fhall have been in commission, or from the time to which such fhip or vessel was last paid: and in case such captain or commander (hall be guilty of any failure or neglect in any part hereof, the faid commissioners of the navy are hereby strictly directed and required not to grant to any such captain or commander the general certificate, to intitle him to his wages or pay for fuch thip or vessel, unless thereto required by particular order from the lord high admiral of Great Britain, or from the commissioners for executing the office of lord high admiral of Great Britain, or any three or more of fuch commissioners, in cases of necessity, and on its being made appear to their satisfaction, that the directions herein before given in this behalf have been complied with as far as the nature of the service would admit, and that the faid complete pay books, lifts, tickets and muster books, had been actually sent to the said commissioners of the navy, as often as any proper and fafe opportunities offered: and in case such captain or commander shall not sufficiently exculpate himself from such neglect or failure, in the manner hereby prescribed, before the lord high admiral of Great Britain, or the commissioners for executing the office of lord high admiral of Great Britain, or any three or more of fuch commissioners, within twelve calendar months after the arrival of such captain or commander in Great Britain; then their wages to fuch captain or commander thall lote and forfeit all the wages due to him for his service on board such ship or vessel, which are hereby directed to be paid and applied to and for the use of the cheft at Chatham; and such captain or commander, being tried for and convicted of such offence by a court-martial, shall be liable to such farther centure or punishment, not extending to loss of life or limb, as such court-martial shall adjudge.

XVIII. And be it further enacted by the authority aforefaid, pay litts, and That all and every such ticket and tickets, certificate and certificates, pay lift and pay lifts, bill and bills, herein before directed to be made out and paid as aforefaid, shall be deemed and taken as good and sufficient vouchers for the treasurer of the navy, for so much money as shall have been so directed to be paid upon all or any fuch tickets, certificates, pay lifts, or bills respectively, and as shall have been paid by him thereon,

and shall be allowed as fuch in passing his accounts.

XIX. And be it further enacted by the authority aforesaid. Captains iffu- That if, after the said first day of November, any captain or ing tickets

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commander of any of the ships or vessels of his Majesty, his otherwise than heirs or fuccessors, shall make out, or cause to be made out, the act directs, and iffued, any ticket or tickets for wages or pay to any inferior officer or feaman, under any pretence whatfoever, other than and except in the manner, and under the regulations, herein before directed concerning the same, every such captain or commander so offending shall, for every such offence, lose and for- to forfeit for feit the sum of fifty pounds of lawful money of Great Britain; each offence, one moiety whereof shall be forfeited and paid to the person who sol. One moiety to shall inform or sue for the same, and the other moiety shall be to the informpaid and applied to and for the use of the chest at Chatham; er, and the which forfeiture shall be sued for and recovered in any of his other to the Majesty's courts of record at Westminster, by action of debt, chest at Chatbill, plaint or information, in which no essoin, protection, privilege, wager of law, or more than one imparlance, shall be allowed; and the court shall award such costs to the parties as shall be just: and in all cases where judgement or sentence shall The court, be given against any such offender, the court where such judge- where judgement or fentence shall be given shall, with all convenient speed, ment shall be certify the same to the lord high admiral of Great Britain, or to given, to certhe commissioners for executing the office of lord high admiral to the admiof Great Britain; and as a further punishment, such offender ralty; shall, upon such certificate, lose and forfeit all the wages or pay due to him for his fervice in fuch ship or vessel; which wages and the ofor pay the lord high admiral, or commissioners for executing the fender thereoffice of lord high admiral of Great Britain, or any three or upon to formore of fuch commissioners, shall direct and order to be paid feit also all his and applied to and for the use of the chest at Chatham.

XX. Provided always, That no captain or commander of Chatham. any thip or vessel shall be liable to any penalty, upon account of Captain not any offence which shall be committed against this act before the liable to forseit first day of June, one thousand seven hundred and fifty nine, before i June unless, before the time of his committing such offence, he shall 1759, unless he have received the abstract of the provisions and regulations of hath previousthis act, herein after directed to be delivered to the captain or ly received an commander of every ship or vessel of his Majesty, his heirs and of.

fuccestors.

XXI. And, for establishing a proper method for making and attesting letters of attorney; be it further enacted by the autho- Method to be rity aforesaid, That from and after the said first day of Novem- observed in ber, one thousand seven hundred and fifty eight, no letter of at- making and torney made by any inferior officer or feaman in the fervice of attesting lethis Majesty, his heirs or successors, or by the executors or ad-ney. ministrators of any such officer or seaman, in order to impower or intitle any person or persons to receive any wages, pay or allowances of money of any kind, due or to grow due for fuch fervice, shall be good and valid, or sufficient for that purpose, unless such letter of such attorney shall be made and declared to be revocable by the express words thereof; and unless fuch letter of attorney, if made by any such officer or seaman then in the fervice of his Majesty, his heirs or successors, shall be signed

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before and attefted by the captain or commander, and one other of the figning officers of the ship to which such inferior officer or feaman shall belong, or by the clerk of the cheque at some of the dock yards; and unless such letter of attorney, if made by any such officer or seaman who shall have been discharged from the service of his Majesty, his heirs or successors, shall be signed before and attested by the mayor or chief magistrate of the town or place where such officer or seaman shall then reside; or if made by the executors or administrators of any such officer or seaman, unless such letter of attorney shall be signed before and attested by the minister and churchwardens, or, in that part of Great Britain called Scotland, by the minister and two elders of the parish where such executors or administrators shall respectively refide.

Letters of attorney otherthe act directs, and all bargains, &c. concerning wages, made after 1 Nov. 1758, declared null;

and the wages due to be paid the feaman himfelf, apto his lawful attorney, &c.

wills, viz.

15. for goods under 20 l.

XXII. And be it further enacted and declared by the authority aforefaid, That all letters of attorney, other than such as wise made and shall be made and attested in manner aforesaid, and all bargains, sales, bills of sale, contracts, agreements and assignments, whatfoever, of, for, or concerning any wages, pay or allowances of money of any kind, due or to grow due to any fuch inferior officer or seaman in the service of his Majesty, his heirs or successors, for such service made or entered into from and after the said first day of November, shall be and are hereby declared to be void and of no effect, to all intents and purposes whatsoever; any law, statute, custom, or usage, to the contrary thereof in any wife notwithstanding: and the treasurer of the navy for the time being is hereby authorized, directed, and required, to pay, or cause to be paid, to every such inferior officer or seaman as shall appear in person at the pay table, or, in pearing at the his absence, to his lawful attorney impowered by him in the manner herein before directed, or to the executors or administrators of such officer or seaman, or to their respective attorney or attornies, duly authorized in such manner as is herein before directed, the respective wages, pay, or allowances of money of any kind due, to him or them, without regard to any fuch letter of attorney, bargain, sale, bill of sale, contract, agreement, or assignment, whatsoever, made or to be made of, for, or concerning any fuch wages, pay or allowances of money of any kind.

XXIII. And be it further enacted by the authority aforesaid, That from and after the faid first day of November, no ecclesiasfor probate of tical court, or any person or persons whatsoever, under any pretence, shall take or receive any more than the sum of one shilling for the seal, parchment, writing, and suing forth of the probate of any will, or any letters of administration, granted to the widow or children, father or mother, brother or fifter, of any inferior officer, seaman, or marine whatsoever, dying in the pay of his Majesty's navy, and for the pains, trouble, and expence, attending the fuing forth of fuch probate, or letters of administration, unless the goods and chattels of such officer, seaman, or marine, do amount to the value of twenty pounds; nor more



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than the sum of two shillings, unless the goods and chattels of 25. under fuch officer, feaman, or marine, do amount to the value of forty 401. pounds; nor more than the sum of three shillings, unless the 3s. under 6ol. goods and chattels of such officer, seaman, or marine, do amount to the value of fixty pounds: and in all cases where it shall be necessary to issue commissions, to swear the widows or children, father or mother, brother or fifter, being executors or administrators of such inferior officers, seamen, or marines, no ecclesiastical court, nor any person or persons whatsoever, under any pretence, shall take or receive more than the sum of one and for issuing commissions, shilling for the seal, parchment, writing, and suing forth of any 15, under 201. fuch commission, and for the pains, trouble, and expence, attending the same, unless the goods and chattels of such officer, feaman, or marine, do amount to the value of twenty pounds; nor more than the fum of two shillings, unless the goods and 2s. under 4ol. chattels of fuch officer, feaman, or marine, do amount to the value of forty pounds; nor more than the fum of three shillings, 3s. under 6ol. unless the goods and chattels of such officer, seaman, or marine, do amount to the value of fixty pounds: and if any officer or officers, or any other person or persons, shall presume to take any more than the faid fums of one shilling, two shillings, or three shillings, respectively, for the seal, parchment, writing, and fuing forth of the probate of any fuch will, or any fuch letters of administration, and for the pains, trouble, and expence attending the same; or for the seal, parchment, writ- No greater ing, and fuing forth of any fuch commission as aforesaid, and sees to be for the pains, trouble, and expence, attending the same; the taken under person or persons so offending shall forfeit to the party aggrieved penalty of sol. the fum of fifty pounds; to be recovered, with full costs of suit, by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at Westminster, or elsewhere.

XXIV. And whereas divers wicked practices have been carried on, by personating and falsely assuming the names and characters of officers, leamen, and others, intitled, or supposed to be intitled, to wages, pay, or other allowances of money, or prize money, for ferving on board of ships or vessels of the royal navy, and by forging and counterfeiting letters of attorney, bills, tickets, affignments, last wills, and other authorities and powers, from such officers and scamen, and by falsely taking out probate of wills, and letters of administration, to fuch officers and feamen; be it therefore enacted by the authority Penalty of peraforesaid, That from and after the said first day of November, sonating an whofoever willingly and knowingly shall personate, or falsely officer, or feaassume the name or character of, or procure any other to per- to have wages sonate, or falsely to assume the name or character of, any officer, due to him, feaman, or other person, intitled, or supposed to be intitled, to any wages, pay, or other allowances of money, or prize money, for service done on board of any ship or vessel of his Majesty, his heirs, or successors; or the executor or administrator, wite, or his execurelation, or creditor, of any fuch officer or feaman, or other tor, relation, person, in order to receive any wages, pay, or other allowances or creditor, of money, or prize money, due, or supposed to be due or payable,

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or of forging letters of atwills;

obtain probate of any will, in order to receive the wages, &c. of fuch perion,

is death.

When the pay books are upon application, to be made out at the navy office, for such men as have not been paid, which are to be paid, in course once a month.

British governors, ministers, confuls, or merchants, in foreign parts, for British seamen and boys of the navy, wreck'd, captur'd, or difcharged, as unferviceable,

and fubfift them at 6d. per diem.

Bills of their disbursements, with the vouchers, to be fent to the navy board, to be paid.

for or on account of the services of any such officer or seaman, or other person as aforesaid; or shall forge or counterfeit, or procure to be forged or counterlested, any letter of attorney, torney, tickets, bill, ticket, certificate, affignment, last will, or any other power certificates, or or authority whatfoever, in order to receive any fuch wages, pay, or other allowances of money, or prize money, due, or supposed to be due, to any such officer or seaman, or other perfon as aforefaid; or thall willingly and knowingly take a false or of making oath, or procure any other person to take a false path, to obtain the a false oath to probate of any will or wills, or to obtain letters of administration, in order to receive the payment of any wages, pay, or other allowances of money, or prize money, due, or that were supposed to be due, to any fuch officer, seaman, or other person, as aforefaid, who has really ferved, or was supposed to have served, on board of any ship or vessel of his Majesty, his heirs, or successors; every fuch person so offending, being lawfully convicted of any fuch offence or offences, thall be deemed guilty of felony, and thall fuffer death as a felon, without benefit of clergy.

XXV. And be it further enacted by the authority aforelaid, That from and after the faid first day of November, when and closed, tickets, so often as any of the pay books of the ships or vessels of his Majesty, his heirs, or successors, shall be closed, such seamen as shall not then receive, or have received, the wages, pay, or other allowances of money, due to them, shall, upon application made by them to the commissioners of the navy, at their board, have or receive tickets made out to them to the value of the faid wages, pay, or other allowances, due to them respectively; and the faid commissioners are hereby directed and required to make out the faid tickets accordingly, and to cause the same to be dated, numbered, registered and paid in courle, once a month.

XXVI. And be it further enacted by the authority aforesaid. That the governors, ministers, and consuls, appointed, or that shall be appointed, by his Majesty, his heirs, or successors, in foreign parts, and refiding there, or where none fuch are refident, any two or more British merchants then and there reliding, are to provide shall, from and after the said first day of November, be, and are hereby authorized, directed, and required, to fend and provide for all feafaring men and boys, subjects of Great Britain, that shall by shipwreck, capture, or other unavoidable accident, be driven or cast away to, or that shall be discharged as unserviceable from any of the thips or veilels of the royal navy at fuch foreign parts or places, where such governors, ministers, consuls, or merchants refide; and the faid governors, ministers, confuls, and merchants, are hereby required to provide for and subsist fuch feafaring men and boys, at or after the rate of fix pence per diem each; and to fend bills of their feveral disburfements upon fuch occasions, together with proper vouchers for the same, to the commissioners of the navy, at their board, who are hereby directed and required to cause immediate payment to be made of fuch bills and disbursements, after due examination of the faid vouchers; and the faid governors, ministers, confuls, and



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merchants, shall put or fend the faid men or boys on board the The men to first ship belonging to his Majesty, his heirs, or successors, that be sent home shall arrive at the parts or places where they reside, or any other first King's parts or places, being near or within a convenient distance for ship, that purpole; or in case no ship of war shall be then in such parts or places, or within a convenient distance, they shall send or merchant fuch men or boys on board such merchant ships or vessels as are ship, bound to bound for any port of Great Britain, and are in want of men to Great Britain. bound for any port of Great Britain, and are in want of men to make up their complement; but if neither case happens within a convenient time, then they shall provide and order a passage homeward for such men and boys, in the first merchant ship or vessel bound for Great Britain: and every master or person having charge of a merchant ship or vessel, that shall arrive in such foreign Master of such parts, and be homeward bound from thence to any port in Great thips to receive Britain, shall be, and is hereby required to take on board such and boys on and so many of such seafaring men or boys, as the said gover-board; nors, ministers, confuls, or merchants, shall direct, not exceeding four for each one hundred tons of which his thip confifts.

XXVII. And, for an encouragement for such mesters of such sips or veffels to take fuch feamen or boys aboard, and bring them to Great Britain; be it further enacted by the authority aforesaid, That every fuch mafter or person having charge of a ship or veriel, and to be alwho shall produce a certificate under the hands of the said lowed 6d per governors, ministers, confuls, or merchants, or any of them, such as shall be certifying the number and names of the men or boys taken on anove biscomboard by their direction, and the time of taking them on board, plement; upand shall make an affidavit at his return, setting forth the time on producing during which he subsisted such men or boys, and that he did and making a not, during that time, want of his own complement of men, or proper afficiahow many he did want of fuch complement, and for what time, vit. shall receive, and the commissioners of the navy, at their board, are hereby required to cause to be paid to such master, or other person as aforefaid, fix pence per diem for the passage and provifions of each man and boy, from the day of their embarkation homewards to the day of their arrival in Great Britain, or being put into some thip or vessel of his Majesty, his heirs, or succesfors; fix pence per diem only being deducted for fuch time, and for fo many persons, as such master, or other person as aforesaid, wanted of the complement of his ship or vessel, during the voyage.

XXVIII. And, to prevent for the future, as far as may be, any unjust or fraudulent arrests upon seamen actually belonging to any of the ships of his Majesty, his heirs, or successors; be it also enacted by the authority aforesaid, That from and after the said first day of Seamen not November, no person whatsoever, who shall list and enter himself liable to be to serve as a seaman on board any of the ships or vessels of his taken out of Majesty, his heirs, or successors, shall be liable to be taken out the tirvice, of the service of his Majesty, his heirs, or successors, by any secretions process or execution whatsoever, either in Great Britain, Irdand, matter, or a or any other part of his Majesty's dominions, other than for real delicat some criminal matter; unless such process or execution be for a the value of

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Oath to be made of the debt before a judge,

and marked on the back of the proceis.

out fee.

and recover coits.

Plaintiff may tile a common appearance,

and proceed to judgment and outlawry,

real debt, or other just cause of action, and unless before the taking out of fuch process or execution, not being for a criminal matter, the plaintiff or plaintiffs therein, or some other person or persons on his or their behalf, shall make affidavit before one or more judge or judges of the court of record, or other court, out of which fuch process or execution thall iffue, or before some person authorized to take affidavits in such courts, that to his or their knowledge the fum justly due and owing to the plaintiff or plaintiffs, from the defendant or defendants in the action or cause of action on which such process shall issue, or the debt or damage and cost for which such execution shall be issued out, amounts to the value of twenty pounds at the least; a memorandum of which oath shall be marked on the back of such process or writ, for which memorandum or oath no fee shall be taken; and if Seaman to be any person be nevertheless arrested, contrary to the intent of otherwife dit this act, it shall and may be lawful for one or more judge or charged with- judges of fuch court, upon complaint made thereof by the party himself, or by any one of his superior officers, to examine into the fame, by the oath of the parties, or otherwife, and, by warrant under his or their hands and feals, to discharge such seamen so arrested contrary to the intent of this act, without paying any fee or fees, upon due proof made before him or them, that such feamen fo arreited were actually belonging to one of the ships or veffels of his Majesty, his heirs, or successors, and arrested contrary to the intent of this act, and also to award to the party so complaining such costs as such judge or judges shall think reafonable; for the recovery whereof, he shall have the like remedy that the person who takes out the said execution might have had for his costs, or the plaintiff in the said action might have had for the recovery of his costs, in case judgment had been given for him with costs against the defendant in the said action.

XXIX. And, to the end that honest creditors, who aim only at the recovery of their just debts due to them from such seamen as are actually belonging to some of the Ships or velicls of his Maissty, his heirs, or successors, may not be kindered from suing for the same, but on the controry, may be affifted and fortwarded in their fuits; and that, instead of proceeding by an arrest, which may burt the service, and occasion a great expence and delay to themselves, they may be enailed to proceed in a more speedy and easy method; be it further enacted by the authority aforesaid, That it shall be lawful for any plaintiff or plaintiffs, upon notice first given in writing of the cause of action to such seaman or seamen belonging to the royal navy, or left at his or their last place of residence before his or their entering into the service of his Majesty, his heirs, or fucceffors, to file a common appearance in any action to be brought for or upon account of any debt whatfoever, to as to intitle fuch plaintiff or plaintiffs to proceed therein to judgment and bave exe- and outlawry, and to have an execution thereupon, other than conion there- against the body or bodies of him or them so actually belonging to any ship or vessel of his Majerty, his heirs, or successors, as



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aforefaid; this act, or any thing herein, or any former law or

statute, to the contrary notwithstanding.

XXX. And, to prevent extortion by persons employed in the receiving of seamens wages, and other monies; be it further enacted by the authority aforesaid, That no person or persons whatsoever who shall be employed in the receiving of any wages, pay, No more than prize money, or any other monies, due, or becoming due, for bound to be or upon account of the service of any officer, seaman, or other deducted for person, in the royal navy, shall be intitled to take or retain more receiving and than fix pence in the pound for or upon account of receiving paying feathereof, and for paying the same to the person or persons by mens wages, whom he or they shall be employed, or according to the direc-ney; tion and appointment of such person or persons, and for all his and their trouble and attendance in relation thereto: and if any under penalty person or persons so employed shall, directly or indirectly, de- of sol. mand, take, or retain, or cause or procure, or knowingly and willingly permit or fuffer, to be demanded, taken or retained, any allowance, gratuity, reward, or valuable confideration, exceeding in the whole the sum of six pence in the pound, for the monies fo received as aforesaid, every such person shall, for every fuch offence, forfeit the sum of fifty pounds, to be recovered, with full costs of suit, to any person or persons who will sue for the same in any of his Majesty's courts of record at Westminster, by action of debt, bill, plaint, or information, in which no effoin, protection, privilege, wager of law, or more than one imparlance shall be allowed: and if any such offender shall be a clerk, officer, or fervant in any office belonging or relating to the navy, and if the ofhe shall, upon conviction, over and above the said penalty of fifty to any office pounds, to be recovered as aforefaid, forfeit and lose his place, and in the navy, be for ever thereafter incapable of holding any place of profit to lose his place in any fuch office.

XXXI. And be it further enacted by the authority aforesaid, Clerks, offi-That if any clerk, officer, or servant, in any office belonging or cers, or serrelating to the navy, shall, directly or indirectly, demand, take, vants belongor retain, or cause or procure, or knowingly and willingly permit ing to any ofor suffer, to be demanded, taken, or retained, any fee, gratuity, fice in the navy compensation, or valuable consideration (not being authorized taking other fees than the fo to do by this act) of or from any person or persons whatsoever, act allows, for or under pretence of the doing or performing any matter or thing hereby directed or authorized to be done or performed, or which shall be in execution hereof, every such clerk, officer, or servant, shall be subject to the same forfeitures, costs, and incapa- subject to the cities, as is herein before mentioned with respect to the taking same forfeimore than fix pence in the pound for the receiving of feamens wages.

XXXII. And be it further enacted by the authority aforesaid, Part of the se That from and after the faid first day of November, so much of veral acts or 9 an act made in the ninth and tenth year of the reign of King & 10 Wil. 3. William the Third, intituled. An att for the better preventing the imbezzlement of his Majesty's stores of war, and preventing cheats. frauds, and abuses, in paying seamens wages, as relates to the tak-Vol. XXII.

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4 Annæ.

1 Geo. 2.

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ing no more than the sum of one shilling for suing forth any letters of administration to the wife or children of any seaman dying in the pay of his Majesty's navy, unless the goods and chattels of such seaman do amount to the sum of twenty pounds: and also so much of an act made in the fourth year of the reign of Queen Anne, intituled, An act for the encouragement and increase of seamen, and for the better and speedier manning of her Majesty's fleet, as relates to the payment of the wages due to seamen turned over from one ship to another: and so much of an act made in the first year of the reign of his present Majesty (intituled, Anast for granting an aid to his Majesty of five hundred thousand pounds, towards discharging wages due to seamen; and for the constant, regular, and punctual payment of seamens wages for the future; appropriating the supplies granted in this present session of parliament; and for disposing of the surplus of the money granted for half pay for the year one thousand seven hundred and twenty seven) as contains any provisions relative to his Majesty's royal navy, or the commissioners thereof, or to the captains, commanders, seamen, or other persons serving therein, or to the payment of the wages due for such service: and also an act made in the first year of the reign of his present Majesty, intituled, An act for encouraging

seamen to enter into bis Majesty's service; shall be and are hereby

1 Geo. 2. repealed

An abstract the articles of war, to be printed;

repealed.

and copies delivered to all captains. One to be kept constantly hung in the most publick place of the thip;

and to be read to the thip's company, afof the navy to inquire whether thefe directions are complied with;

XXXIII. And be it further enacted by the authority aforesaid, of this act, to- That the lord high admiral of Great Britain, or the commissioners for executing the office of lord high admiral of Great Britain, shall direct an abstract of the provisions and regulations herein contained, for the benefit of seamen belonging to the ships and vessels of his Majesty, his heirs, and successors, together with the articles of war, to be printed; and that a competent number of the copies thereof be delivered to the captain or commander of every fuch ship or vessel; and such captain or commander, as soon as the ship or vessel by him commanded shall be put into fea pay, shall cause one of the said printed abstracts, together with the articles of war, to be hung up and affixed to the most publick place of such ship or vessel, and shall cause the same to be constantly kept up and renewed, so that they may be at all times accessible to the inferior officers and seamen on hoard of fuch ship or vessel; and every such captain or commander thall cause such abstract to be audibly and distinctly read over once in every month, in the presence of the officers and seamen of such terthe articles, thip or veffel, immediately after the articles of war are read; and once a month; the reading both of the articles of war, and of this abstract, and of which, pro- the days when read, shall be attested by the captain or commanper attellation der, and the usual figning officers, of such ship or vessel, at the foot the foot of the of the muster books for such thip or vessel, before they are transmuster books. mitted to the commissioners of the navy: and the said commis-Commissioners sioners are hereby charged and directed strictly to inquire whether the directions hereby given for hanging up and affixing the faid abstract and articles of war, and for the reading of the fame, as aforefaid, have been duly observed by the captain or commander



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of fuch ship or vessel, and not to grant to such captain or commander his general certificate, until they are fully fatisfied thereof; to the end and intent that every feaman employed in to the end that the royal navy of Great Britain may, at one and the same time, seamen may hear and know the forfeitures and punishments he is liable both know to for any neglect or disobedience, and likewise the encourage- their duty, ments and benefits to which he is intitled by a due and faithful and their rights, and performance of his duty; and that, upon fuffering any oppref- how to feek fion or injury in such service, he may be the better enabled to redress for inlay his complaint before the lord high admiral of Great Britain, juries. or the commissioners for executing the office of lord high admiral of Great Britain, who are hereby respectively charged and directed, upon any fuch complaint being laid, strictly to enquire into the circumstances of the same, and to grant immediate redress therein, if such complaint thall be justly founded; and to take special and constant care that this act, and all the provifions and regulations therein, be fully complied with, and punctually carried into execution.

XXXIV. And be it further enacted by the authority aforesaid, Form of the That the abstract herein before directed, shall be in the following abstract.

words; that is to fay,

Abstract of an act of parliament made in the thirty first year of the reign of King George the Second, intituled, An act for the encouragement of seamen employed in the royal navy; and for establishing a regular method for the punctual, frequent, and certain payment of their wages; and for enabling them more easily and readily to remit the same for the support of their wives and families; and for preventing frauds and abuses attending such payments.

I. E VERY volunteer entering his name with a commission officer, appointed for entering volunteers on board any ship in the royal navy, shall receive a certificate thereof gratis, and be intitled to wages from the date of such certificate, including the day of the date thereof, in case he appears on board within fourteen days, if the place where he enters is not above one hundred miles from the ship; within twenty days, if above one hundred miles; or within thirty days, if above two hundred miles; and shall be allowed the usual conduct money, and also two months wages advance, at the first fitting out of the ship, and before the ship proceeds to sea.

II. Every supernumerary man serving ten days in any ship, shall be borne for and intitled to his wages upon the books of such ship, and to all other benefits, as it he was part of the complement of such ship; but men lent from one ship into another, shall continue to be borne for and intitled to their wages upon the books of the ship from which they were lent, until they shall

be regularly discharged from thence, and in no other.

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III. Every

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III. Every inferior officer or seaman, who shall be turned over from one ship to another (in case the ship into which he is turned over, is then or shall come into a port of Great Britain where there is a commissioner of the navy) shall be paid, by proper pay lists, all the wages due to him in the ship from which he was so turned over, before the ship into which he shall be turned over proceeds to sea, unless it shall be otherwise directed by special order from the admiralty, in cases of the greatest exigency only; and if the ship, in pursuance of such order, proceeds to sea before such payment can possibly be made, the wages shall be paid as soon as such ship shall come again into any port of Great Britain where there is a commissioner of the navy.

IV. Every officer or seaman who shall be turned over from one ship to another, shall not serve or be rated in a worse quality, or lower degree, than he served in or was rated for in the former ship; and shall have an advance of two months wages before the ship into which he is turned over proceeds to sea, in

case he shall not have received such advance before.

V. Such sums of money shall in the first place be appropriated, and shall, from time to time, be iffued and applied out of the supplies granted, or to be granted, for any naval services, as shall be sufficient for the regular payment of all tickets made out pursuant to the act, and for the regular discharge of all wages due, or to grow due, in manner following; that is to fay, As often as any ship which shall have been in sea pay twelve months, or more, shall be or arrive in any port of Great Britain, or on the coast thereof, the captain or commander shall immediately cause five complete pay books to be made out, for all the time such ship shall have been in pay, except the last fix months; and shall forthwith transmit, by the first fafe opportunity, such books, together with three alphabets, and a flop book, to the commiffioners of the navy, at their board: and as foon as fuch thip shall be or arrive in any port of Great Britain where there is a commissioner of the navy, the said commissioners of the navy shall solicit the necessary sums of money, and shall cause immediate payment to be made of the wages due, deducting the advance money, and all defalcations; leaving always fix months wages unpaid, and no more: and all the wages due upon any ship shall be paid as soon as may be, or within two months at farthest, after the arrival of such thip in port to be laid up.

VI. The month shall consist of twenty eight days.

VII. Upon application to the commissioners of the navy, at their board, by an inferior officer or seaman who shall then be in the service, and was absent at the payment of the ship to which he did belong, or from the captain or commander of any ship in which such officer or seaman shall then serve, in case such ship shall be in any port of Great Britain where there is a commissioner of the navy, the commissioners of the navy, at their board, shall immediately send the pay books, or pay lists made out from them, to such commissioner, who shall forthwith cause the wages to be paid to such officer or seaman.



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VIII. The captain or commander, shall make out a ticket upon the death of every inferior officer and seaman, and shall transmit the same, by the first safe opportunity, to the commissioners of the navy, at their board, who are to assign the same for payment within one month after the receipt thereof; and the same shall be delivered, and payment thereon made, without fee or reward, to the executors or administrators of such officer or seaman, or to the attorney of such executors or administrators.

IX. The captain or commander, shall make out a ticket for every inferior officer or feaman who shall be discharged as unferviceable, pursuant to the directions of the act, and shall send fuch ticket, by the first safe opportunity, to the commissioners of the navy, at their board. The captain or commander, shall not deliver such ticket to such officer or seaman, but shall give him a certificate of fuch discharge, containing an exact copy of the ticket, and a description of his person. The said commissioners of the navy shall immediately cause the day when such ticket was received to be indorfed thereon, and shall assign the fame for payment within one month at farthest from the day of making such indorsement. And if any such officer or seaman shall present such certificate at the navy office, the said commisfioners of the navy are forthwith to examine such certificate, and the perion prefenting the fame; and being fatisfied that the certificate was made out for such person, and that he is rendered unferviceable, they shall testify the same on such certificate. The faid ticket being to affigued, shall be immediately delivered, and payment made at the pay office of the navy, to such officer or seaman, without fee or reward, and to no other person whatsoever. If the ticket shall not have been transmitted to, and received by, the commissioners of the navy, the money appearing to be due by the copy of the ticket in the certificate, shall be paid in like manner as if the ticket had been received. Such officer or feaman being defirous to receive his wages at any port in Great Britain where a commissioner of the navy resides, may produce his certificate to such commissioner of the navy, who, being satisfied that such certificate was made out for such person, and that he is rendered unferviceable, shall sign and transmit the same to the commissioners of the navy, at their board; who, within four days after the receipt of such certificate, are to fend the ticket for such officer or seaman, or if such ticket shall not have been transmitted to and received by them, then the said certificate, containing a copy of the faid ticket instead thereof, to the commissioner at such port; who shall cause immediate payment thereon to be made, without fee or reward: and such commisfioner shall fend such officer or seaman to the nearest hospital, where he is to be received and victualled, from the time of prefenting fuch certificate until payment is made. It any fuch certificate shall be lost or destroyed, or such officer or seaman shall not present the same in person, or the money due on any fuch ticket thall not be paid before the general payment of the ship's company, the ticket shall be cancelled, and the wages be

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payable as if fuch ticket and certificate had not been made out. X. When any inferior officer or seaman shall, by order of the captain, or commander, be set sick ashore, and be sent into any hospital, or sick quarters, such captain or commander shall make out a fick ticket, for the wages due to fuch officer or feaman, and transmit the same with such officer or seaman to the hospital, or fick quarters; and if fuch officer or feaman shall be regularly discharged from thence as unserviceable, a certificate of his discharge, with the fick ticket annexed thereto, shall be delivered to him: and if he shall present the same to a commissioner at any port in Great Britain, such commissioner being satisfied that fuch officer or feaman is unferviceable, shall fign the same on the certificate, and forthwith transmit such certificate, and sick ticket, to the commissioners of the navy, at their board, who, within four days after the receipt thereof, are required to cause a proper ticket, or pay lift, to be made out for the wages due to fuch officer or feaman, and to fend fuch ticket, or pay lift, without delay, to the commissioner at such port, who shall cause immediate payment of the wages to be made, without fee or reward, to fuch officer or feaman; who, notwithstanding such discharge, shall be maintained in such hospital, or sick quarters, from the time he shall present the certificate, and sick ticket, until the payment shall be made.

XI. The payment of tickets, certificates, or pay lifts, shall not be delayed, though the muster or pay books be not regularly sent to and received by the commissioners of the navy; but if any error shall be made in any ticket, certificate, or pay lift, the loss shall be made good out of the wages of the captain, or commander, by whom such ticket, certificate, or pay lift, was made

out.

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XII. As often as any thip which thall not be in a port of Great Britain, or on the coast thereof, shall have twelve months wages due, the captain, or commander, shall cause the names of all the inferior officers and feamen to be called over, and each to answer to his name, and shall do the same at the end of every fix months, when twelve months, or more, wages, shall be due: and if any fuch officer or feaman shall then declare, or deliver in writing, the name and place of abode of his wife, father, or mother, and defire that the whole or any part of his wages then due, except the wages due for the last fix months, should be paid to such wife, father, or mother, by the receiver general of the land tax for any county, riding, or city, or collector of the customs for any port, or collector of the excise for any collection in Great Britain, or the clerk of the cheque at any dock yard; the captain, or commander, is strictly required to cause four lists to be made out of the persons so defiring to make fuch remittances, and shall transmit such lists, by the first fafe opportunity, without delay, to the commissioners of the navy, at their board, who, on receipt thereof, shall immediately make out two bills pursuant to the directions of the act, for the payment of the wages so allotted by each person; one

of



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of which bills shall be sent to the persons respectively specified in fuch lifts, and the other to such receiver, collector, or clerk of the cheque: and if the person to whom any such bill is sent, shall, within six months from the date thereof, produce and deliver the same to such receiver, collector, or clerk of the cheque, together with a certificate that such person is the wife, father, or mother, of fuch officer or feaman respectively, under the hands of the minister and churchwardens, or, in Scotland, of the minister and two elders, of the parish where such person was married, or refides; such receiver, collector, or clerk of cheque, upon being fatisfied of the truth of such certificate, is immediately, without fee or reward, to pay the sum mentioned in such bill, taking a receipt. Such bill, together with the duplicate thereof, being produced at the navy office, shall be immediately affigned for payment by the commissioners of the navy, and repaid by the treasurer of the navy, to such receiver, collector, or clerk of the cheque, or their order respectively; but if payment of the said bill be not demanded of such receiver, collector, or clerk of the cheque, and the duplicate of the faid bill, together with a proper certificate, be not produced and delivered to them respectively, within six months from the date thereof, the bill is to be returned and cancelled, and the fum contained therein is to become payable to fuch inferior officer or feaman when the ship shall be paid.

XIII. In like manner, when wages shall be paid at the pay office, or at any of the out ports, if any inferior officer or feaman shall be desirous to remit the whole or part of his wages to his wife, children, parents, or any other person, and to have a bill for the same drawn upon any such receiver, collector, or clerk of the cheque, two bills are to be made out, one of which is to be delivered to such officer or seaman, and the other to be fent to such receiver, collector, or clerk of the cheque, who is to pay immediately the fum therein mentioned, without any fee or reward, taking a receipt. Such bill, together with the duplicate thereof, being produced at the navy office, shall be immediately affigned for payment by the commissioners of the navy, and be repaid, by the treasurer of the navy, to such receiver, collector, or clerk of the cheque, or their order respectively: but if payment of the faid bill be not demanded of fuch receiver, collector, or clerk of the cheque, and the duplicate of the faid bill shall not be produced and delivered to them respectively within fix calendar months from the date thereof, the bill is to be returned and cancelled, and the fum contained therein is to be immediately paid to fuch officer or feaman, or other person duly authorized to receive the same.

XIV. If any fuch receiver, collector, or clerk of the cheque, shall not have in his hands money to answer any bill tendered by fuch wife, father, or mother, aforefaid, and thall refule or delay the immediate payment thereof he is immediately to indorse on such bill the cause of his refusal or delay, and appoint for payment some day within two months after such tender; and if, upen

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upon complaint to the commissioners respectively appointed to manage the land tax, customs, or excise, or to the commissioners of the navy, respectively, it shall appear, that any such receiver, collector, or clerk of the cheque, hath unnecessarily and wilfully resused or delayed payment, or that he, or any person employed by or under him, hath taken any see, reward, gratuity, discount, or deduction, on account of payment of any such bill, such commissioners may fine such offender in any sum not exceeding fifty pounds.

XV. The wages, pay, and allowances, earned by any indentured apprentice, shall be paid to his master, as hath been usual, unless such apprentice was above eighteen years of age when his indentures were executed, or shall be rated as a servant to any officer to whom such apprenticeship is not known; in which case, such officer shall be intitled to the pay and wages of such servant, according to the usual practice of the navy, un-

til such officer shall be informed of such apprenticeship.

XVI. Captains or commanders of ships are to transmit from time to time to the commissioners of the navy, at their board, complete pay books, lists, and tickets, and also once in every two months complete muster books, under the penalty of forfeiting all their wages to the chest at Chatham, and of being liable to such surther punishment as a court-martial shall inslict; except in cases of necessity, to be made appear to the satisfaction of the lord high admiral, or commissioners of the admiralty.

XVII. The tickets, certificates, pay lifts, and bills, shall be sufficient vouchers to the treasurer of the navy for the payments

thereon.

XVIII. Captains, or commanders, issuing any tickets other than such as are directed by the act, shall be subject to a penalty of fifty pounds for every ticket, and shall forfeit all their wages to the chest at Chatham.

XIX. No captain, or commander, shall be liable to any penalty for any offence against the act before the first of June, one thousand seven hundred and fifty nine, unless he hath previously

received this abstract.

XX. No letters of attorney made by inferior officers or seamen, or their executors or administrators, for receiving wages or allowances of money, shall be valid, unless declared therein to be revocable; and unless the same, if made by any such officer or seaman then in the service, be signed before, and attested by, the commander and one other of the signing officers of the ship, or by a clerk of the cheque: and if made by any such officer or seaman after his discharge from the service, unless the same be signed before, and attested by, the mayor or chief magistrate of the town or place where such officer or seaman shall then reside; or unless the letter of attorney, if made by such executors or administrators, be signed before, and attested by, the minister and churchwardens, or, in Scotland, by the minister and two elders, of the parish where such executors or administrators reside.

XXI. All



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XXI. All letters of attorney, other than such as are made in manner aforesaid, and all bargains, sales, bills of sale, contracts, agreements, and assignments, concerning wages or mo-

ney to inferior officers or feamen, shall be null and void.

XXII. No more than one shilling shall be taken by any ecclesiastical court, or other person, for the probate of any will, or letters of administration, granted to the widows, children, fathers, mothers, brothers, or sisters, of inferior officers, seamen, or marines, dying in the service, and for the pains, trouble, and expence, attending the same, unless the goods and chattels are of the value of twenty pounds; nor more than two shillings, unless such goods and chattels are of the value of forty pounds; nor more than three shillings, unless such goods and chattels are of the value of fixty pounds: nor more than one shilling for issuing commissions to swear such widows, children, fathers, mothers, brothers, or fifters, being executors or administrators to inferior officers, seamen, or marines, and for the pains, trouble, and expence, attending the same, unless the goods and chattels are of the value of twenty pounds; nor more than two shillings, unless the goods and chattels are of the value of forty pounds; nor more than three shillings, unless the goods and chattels are of the value of fixty pounds; under the penalty of fifty pounds, to be paid by the offender to the party aggrieved.

AXIII. Whoever willingly and knowingly shall personate, or falsely assume, the name or character of, or procure any other to personate, or falsely to assume, the name or character of any officer, seaman, or other person, intitled to wages, pay, allowances, or prize money, for service done on board of any ship of the royal navy, or the executor, administrator, wise, relation, or creditor, of any such officer, seaman, or other person, in order to receive any wages, pay, allowances, or prize money, or shall forge or counterfeit, or procure to be forged or counterfeited, any letter of attorney, or other power or authority whatsoever, in order to receive any wages, pay, allowances, or prize money, or shall willingly and knowingly take a false oath, or procure a false oath to be taken, to obtain the probate of a will, or letters of administration, in order to receive any wages, pay, allowances, or prize money, shall be guilty of felony, and suffer

death.

XXIV. When the pay books are closed, tickets shall be made out at the navy office to the seamen who shall not have received their wages, and such tickets shall be paid in course once a month.

XXV. British governors, ministers, and consuls, residing at foreign parts, or where no such are present, any two British merchants, are required to provide for seafaring men and boys, subjects of Great Britain, who, by shipwreck, capture, or other unavoidable accident, shall be in foreign parts, or who shall be discharged there as unserviceable from the royal navy, and subsist them at six pence per diem each; and send them home as soon

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foon as conveniently may be, in any ship belonging to the royal navy, or in any merchant ship.

XXVI. Masters of ships shall be allowed fix pence per diem

for all such men and boys as shall exceed their complement.

XXVII. Seamen shall not be taken out of the service for any

debt under twenty pounds:

XXVIII. But creditors may file a common appearance, so as to intitle them to proceed to judgement and outlawry, and to have an execution thereupon, except against the bodies of such seamen.

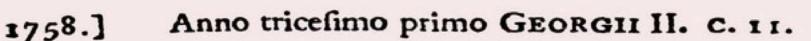
XXIX. Receivers of seamens wages taking more than six pence in the pound, shall, for every offence, forfeit sitty pounds; and if any such offender be a clerk, officer, or servant, in an office belonging to the navy, he shall also lose his place, and be incapable of holding any place of profit in any such office.

XXX. Clerks, officers, and servants, in offices belonging to the navy, taking sees (not allowed by the act) for doing any thing directed by the act, shall be subject to the same forfeitures.

XXXI. Part of several acts made in the ninth and tenth years of King William the Third, and in the fourth year of Queen Anne, and in the first year of King George the Second, and also another act made in the said first year of King George the Second,

relating to seamen, are repealed.

XXXII. This abstract, together with the articles of war, shall be printed, and kept hung up in the most publick place of every ship of the royal navy, that it may be accessible to all inferior officers and feamen; and every captain and commander, shall cause the same to be read over once in every month after the articles of war are read; and the reading the same shall be attested by the captain, or commander, and signing officers, at the foot of the muster books: to the end that every seaman in the royal navy may know the punishments he is liable to for any neglect or disobedience, and the encouragements he is intitled to by the performance of his duty; and that upon suffering any injury, he may be enabled to lay his complaint before the lord high admiral, or the commissioners of the admiralty, who are by the act directed to enquire into the same, and to grant redress, if such complaint be justly founded; and to take especial care that this act be punctually carried into execution.



CAP. XI.

An act to amend an act made in third year of the reign of King William and Queen Mary, intituled, An act for the better explanation, and supplying the defects of the former laws for the settlement of the poor, so far as the same relates to apprentices gaining a settlement by indenture; and also to impower justices of the peace to determine differences between masters and mistresses and their servants in busbandry, touching their wages, though such servants are bired for less time than a year.

WHEREAS by an all made in the third year of the reign of Preamble. King William and Queen Mary, intituled, An act for the better explanation, and supplying the defects of the former laws for the settlement of the poor, it is enacted, That if any person Bould be bound an apprentice by indenture, and inhabit in any town or parish, such binding and inhabitation shall be adjudged a good settlement: and whereas since the making the said act, great numbers of persons have been unwarily bound apprentices by certain deeds, writings, or contracts, not indented, by which binding many of them have suffered great loss and damage, on account of their having been refused a settlement in such town or parish, where they have been so bound and resided forty days, and have been removed to the parish or place where their last legal settlement was before such apprenticeship, where they have had no encouragement to exercise their trades, or opportunity to gain a livelihood by their faid trades to which they were fo bound apprentices: for relief therefore of such apprentices, and for preventing the like mischief for the future; be it enacted by the King's most excellent majesty, by and with the advice and confent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That no person who shall have been bound an Person bound apprentice, or who shall hereafter be bound an apprentice, by apprentice by any deed, writing, or contract, not indented, being first legally deed, &c. stamped, shall be liable to be removed from the town, parish, though not or place, where he or she shall have been so bound an apprening first duly tice, and resident forty days, by virtue of any order of removal, stamped, is granted by two justices of the peace, of any county, riding, di- intitled to a vision, city, borough, town corporate, or place; or by virtue settlement of any order of the justices at their general or quarter sessions, where apprenby reason or on account of such deed, writing, or contract, not

being indented only. II. Provided nevertheless, That nothing herein before en- Judgment.&c. acted, shall extend, or be construed to extend, to set aside or to the conmake void, any judgement, order, or decree, which shall have trary made been made as aforesaid, before the first day of May, one thou-before i May, fand seven hundred and fifty eight.

III. And whereas by an act passed in the twentieth year of his pre- hereby. fent Majesty's reign, intituled, An act for the better adjusting and Act 20 Geo. 2 more easy recovery of the wages of certain servants, and for the

1758, not to be avoided

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better regulation of such servants, and of certain apprentices; it is enacted, That from and after the twenty fifth day of March, one thousand seven hundred and forty seven, all complaints, differences and disputes, which shall arise between masters or mistresses, and servants in husbandry, who shall be hired for one year or longer, or which shall happen or arise between masters and mistresses and artificers, handicraftsmen, miners, colliers, keelmen, pitmen, glassmen, potters, and other labourers, employed for any certain time, or in any other manner, shall be heard or determined by one or more justice or justices of the peace, for the place where such master or mistress shall inhabit: and whereas doubts have arisen whether the words any labourers employed for any certain time, or in any other manner, extend to servants in husbandry hired for a less time than one year; for obviating the faid doubts, be it enacted by the authority aforesaid, That the said act, and all and every clause and matter therein contained, shall from and after the said first day of May, one thousand seven hundred and fifty eight, be deemed and conftrued to extend to all fervants employed in hufbandry, though hired for a less time than one year; any thing for a less time in the said recited act of the twentieth year of his present Majesty's reign, or any other act contained to the contrary notwithstanding.

Recited act extended to fervants employed in husbandry, though hired than a year.

CAP. XII.

An all to encourage the growth and cultivation of madder in that part of Great Britain called England, by afcertaining the tithe thereof there.

Preamble.

WHEREAS madder is an ingredient effentially necessary in dyeing and callicoe printing, and of great consequence to the trade and manufactures of this kingdom; and may be raised therein equal in goodness, if not superior, to any foreign madder: and whereas the encouraging of the growth thereof in this kingdom, will be a saving of a very large sum of money, which is now paid for that commodity imported duty free from abroad; and will also be a means of employing great numbers of poor in the winter months: and whereas the ascertaining of the tithe of madder will be the greatest means of encouraging the growth of that commodity in this kingdom: may it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most excellent majefty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of August, which will be in the year of our Lord one thousand seven hundred and fifty eight, all and every person and persons who shall plant, grow, raise, or cultivate, or cause to be planted, grown, raised, or cultivated, any madder in any parish or place within that part of Great Britain called England, shall pay, or cause to be paid, to every parson, vicar, curate, or impropriator of any such parith or place, the sum of five shillings, and no more, yearly, and every year, for each acre of

Madder to pay 5 s. per acre, tithe,

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this realm.

tithe be paid.

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II. Provided always, and be it enacted by the authority a- and not to be foresaid, That no madder shall be carried off the ground on removed till which it grows, before the sum or sums of money herein before directed to be taken in lieu of tithes, be paid to the person or perions respectively intitled to receive the same.

III. Provided also, That this act, or any thing herein con- Act not to extained, shall not extend to charge any lands discharged by any tend to lande Modus Decimandi, ancient composition, or other discharge of discharged of tithes by law.

IV. Provided always, and be it enacted by the authority a- and to be in foresaid, That this act shall continue and be in force for the force 14 years. space of fourteen years, and from thence to the end of the then

CAP. XIII.

next festion of parliament, and no longer.

An all for allowing a further time for bolding the first meetings of commissioners or trustees for putting in execution certain acts made in the last session of parliament.

HEREAS by an act passed in the last session of parliament, Preamble, reintituled. An act for enlarging the times for the first meet- citing act 30 ings of commissioners or trustees for putting in execution certain Geo. 2. acts of this session of parliament; it was enacted, That in case any all of parliament had paffed, or did, or should pass, at any time what soever, during that session of parliament, upon or after the day specified in any such act for the first meeting of the commissioners or trustees appointed to put the same, or any part thereof, in execution; in each and every such case, such commissioners or trustees respectively, or the same number of such respective commissioners or trustees, as was, or should be authorized to hold such first meeting, or any greater number of them, should and might hold their first meeting, upon the fourteenth day after the paffing of the faid first above recited act. and proceed to the execution of such acts respectively, as efficitually as if they had been affembled on the respective days appointed in such acts for bolding their first meeting: and whereas the said fourteen days have been found in experience too short a time for the holding the first meeting in some of the cases aforesaid, in a proper manner, whereby several doubts and difficulties have arisen, with respect to the due execution of some of the said acts; be it therefore enacted by the King's most excellent majesty, by and with the advice and confent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That fuch commissioners or trustees for putting such acts as a- Commissionforesaid, or any part or parts thereof, in execution respectively, ers for certain or the same number of such respective commissioners or trustees acts of the last

as fession, are to



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meet on 21lt day after paffing this act, and put the fame then in execution.

as was or were authorized to hold such first meeting, or any greater number of them, shall and may hold a meeting on the twenty first day after the day of the passing of this act, at such places as were respectively appointed in such acts, for holding the first meetings on the days therein specified; and all such commissioners or trustees, or any sufficient number of them, as aforesaid, being so assembled respectively, on the said twenty first day after the day of the passing of this act, shall and may proceed to the execution of fuch acts respectively, and then, and from time to time afterwards, adjourn, and do and perform all fuch matters and things, and execute all fuch powers and authorities, as are mentioned or granted to them respectively in the faid acts, in the same manner, and as fully and effectually to all intents and purposes, as if such commissioners or trustees had been assembled, in pursuance of, and on the respective days specified or appointed in such respective acts for holding the first meeting of such commissioners or trustees; any thing in the said acts or any of them contained to the contrary notwithstanding.

CAP. XIV.

An all for further explaining the laws touching the electors of knights of the flire to serve in parliament for that part of Great Britain called England.

Preamble.

WHEREAS by an all made in the eighteenth year of the reign of his present Majesty, intituled, An act to explain and amend the laws touching the elections of knights of the shire to serve in parliament for that part of Great Britain called England; it is enacted, That no person shall vote at the election of any knight or knights of a Shire within that part of Great Britain called England, or principality of Wales, without having a freehold estate in the county for which he votes, of the clear yearly value of forty shillings, over and above all rents and charges payable out of or in respect of the same: and whereas, notwithstanding the said act, certain persons who hold their estates by copy of court roll, pretend to have a right to vote, and have, at certain times, taken upon them to vote at fuch elections; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fourth day of June, one thousand feven hundred and fifty eight, no person, who holds his estate by copy of court roll, shall be intitled thereby to vote at the knights of the election of any knight or knights of a thire within that part of Great Britain called England, or principality of Wales: and if any person shall vote in any such election, contrary to the true intent and meaning hereot, every fuch vote shall be void to all void, and they intents and purpoles whatfoever; and every perfon fo voting to forfeit sol. shall forfeit to any candidate for whom such vote shall not have been given, and who shall nirst sue for the same, the sum of fifty pounds, to be recovered by him or them, his, her, or their

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their vote

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executors and administrators, together with full costs of suit, with full costs by action of debt in any of his Majesty's courts of record at of suit. Westminster, wherein no essoin, protection, wager of law, privi- Onus probandi. lege, or imparlance shall be admitted or allowed; and in every fuch action the proof shall lie on the person against whom such

action shall be brought.

II. And be it further enacted by the authority aforesaid, That Plaintiff's plea it shall and may be sufficient for the plaintiff in any such action upon the case. of debt to fet forth in the declaration or bill, that the defendant is indebted to him in the sum of fifty pounds, and to alledge the offence for which the action or fuit is brought, and that the defendant hath acted contrary to this act, without mentioning the writ of summons to parliament, or the return thereof; and upon trial of any iffue in any fuch action or fuit, the plaintiff shall not be obliged to prove the writ of summons to parliament, or the return thereof, or any warrant or authority to the sheriff grounded upon any fuch writ of fummons.

III. Provided always, That every fuch action or fuit shall be Limitation of commenced within the space of nine calendar months next after actions. the fact, upon which the lame is grounded, shall have been

committed.

IV. And be it further enacted by the authority aforesaid, Statutes of That all the statutes of jeosails, and amendments of the law jeosails, &c. whatfoever, shall and may be construed to extend to all proceed- extended to such fuch fuits.

ings in any fuch action or fuit.

V. Provided always, and be it further enacted by the autho- Paintiff nonrity aforesaid, That in case the plaintiff in any such action or suited, &c. to fuit, shall discontinue the same, or be nonsuited, or judgement pay treble be otherwise given against him, then, and in any of the said costs. cases, the defendant, against whom such action or suit shall have been brought, shall recover his treble costs.

CAP. XV.

An all for the encouragement of the exportation of culm to Lisbon, in the kingdom of Portugal.

WHEREAS fince the late dreadful earthquake at Lifbon, a Preamble. considerable demand bath arisen for culm to be there used, in the burning or calcining of lime, for the purpose of rebuilding of the said city, and the exportation of culm to Lisbon, under a Small duty, will greatly contribute to the more speedy and effectual rebuilding of the faid city, as well as to the encouragement of the trade and navigation of this kingdom; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majefty, by and with the advice and confent of the lords spiritual and temporal, and commons, in this present parliament affembled, and by the authority of the same, That from and Culm may be after the twenty fifth day of March, one thousand seven hundred exported for and fifty eight, it shall be lawful for any person or persons, for 15 years, and during the term of fifteen years, and from thence to the end of the then next fession of parliament, to export any quan-

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of 18. per chalder duty; and the exporter giving of,

only, and returning Ra months. otherwife to be forfeited.

coals.

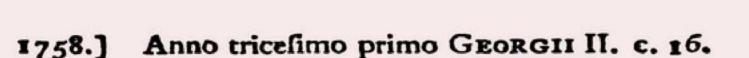
Limitation of actions.

Treble cofts.

tity or quantities of culm to the city of Lifton, in the kingdom upon payment of Portugal, upon payment of a duty of one shilling for every chalder (Newcastle-measure) of culm so exported, and no more, and after that rate for any greater or leffer quantity; fo as the exporter shall, before the lading of such culm, or laying the fecurity there- same on board, become bound with other sufficient security in treble the value thereof, to the commissioners or chief officer or officers of his Majesty's customs, belonging to the port or place where fuch culm shall be shipped or put on board (who hath or have hereby power to take such security in his Majesty's name, of landing the and to his Majesty's use, and for which security no see or reward fame at Lisbon shall be given or taken) that such culm shall be landed at Lisbon, in the kingdom of Portugal, and not elsewhere; and that a certificate under the hand and feal of the British conful general, or deputy thereof within conful residing at Lisbon, shall, within twelve calendar months from the date of the faid bonds (the danger of the seas and ene-Ship and culm mies excepted) be returned to the officers who took the faid bonds, that fuch culm hath been landed at Lisbon; and in case the ship or vessel on which any culm shall be put on board, for which fuch fecurity ought to be given, shall depart or go out of port before such security is given, in every such case the ship or vessel, and the culm therein, or the value thereof, shall be forfeited, and shall and may be recovered, to wit, one moiety thereof to the use of the King, and the other moiety thereof to the person or persons who will seize, inform, or sue for the same.

II. And be it further enacted by the authority aforesaid, levied, &cc. as That the faid duty on culm exported to Liston shall be raised, the duty upon collected, levied, recovered, and paid, in the same manner, and under fuch penalties and forfeitures, and by fuch rules, ways, and methods, as the duties payable to his Majesty upon the exportation of coals are, by virtue of any law or statute now in force, to be raised, collected, levied, or recovered.

III. And be it further enacted by the authority aforesaid, That if any action or fuit shall be commenced against any perfon or persons for any thing done in pursuance of this act, the defendant or defendants in any fuch action or fuit, may plead General iffue, the general iffue, and give this act, and the special matter, in evidence, at any trial to be had thereupon; and that the same was done in pursuance, and by the authority, of this act: and if it shall appear so to have been done, the jury shall find for the defendant or defendants; and if the plaintiff shall be nonsuit, or discontinue his action, after the defendant or desendants shall have appeared; or if judgement thall be given upon any verdict or demurier against the plaintiff, the defendant and defendants shall and may recover treble costs, and have the like remedy for the same as the defendant or desendants hath or have in other cases by law.



CAP. XVI.

An att to enforce and render more effectual an att made in the twenty fifth year of his present Majesty's reign, intituled, An act for annexing certain forfeited estates in Scotland to the crown unalienably; and for making satisfaction to the lawful creditors thereupon; and to establish a method of managing the same, and applying the rents and profits thereof, for the better civilizing and improving the highlands of Scotland, and preventing disorders there for the future.

WHEREAS the lands, lordships, baronies, patronages, tythes, fishings, and other like heretages of Donald Cameron of Preamble, re-Lochiel, Charles Stewart of Ardsheil, Donal Mack Donald of in act, Kinlochmoydart, Evan Macpherson of Clunie, Francis Buchanan of Amprior, Donald Mack Donald of Lochgarry, Allan Cameron of Callart, Francis Farquharson of Monaltree, and Alexander Mack Donald of Keppoch, by their attainders of high treason for their being engaged in the late unnatural and wicked rebellion, became forfeited and vested in his Majesty, by virtue of an act made in the twentieth year of his Majesty's reign, intituled, An act for vesting in his Majesty the estates of certain traitors, and for more effectually discovering the same, and applying the produce thereof to the use of his Majesty, and for ascertaining and fatisfying the lawful debts and claims thereupon: and whereas by an all made in the twenty fifth year of his Majesty's reign, intituled, 25 Geo. 2 An act for annexing certain forfeited estates in Scotland to the crown unalienably; and for making satisfaction to the lawful creditors thereupon; and to establish a method of managing the fame, and applying the rents and profits thereof, for the better civilizing and improving the highlands of Scotland, and preventing disorders there for the future; reciting, That the lands and estates of the said Donald Cameron of Lochiel, and the several other persons therein before-mentioned, which by virtue of the before-mentioned act of the twentieth year of his Majesty's reign, and of the said persons attainder of high treason, became vested in bis Majesty, were holden of subject superiors, who had entered claims in the court of session to the property thereof; it is amongst other things, enacted, That it shall and may be lawful for his Majesty, his heirs and successors, by proper persons to be appointed for that purpose, under his or their sign manual, to transact or compound with such subject superiors, concerning their claims to the property of the faid forfeited estates held of them respectively: and whereas his Majesty has been pleased, by his royal sign manual dated the twentieth day of March, one thousand seven hundred and fifty five, to appoint James West and Nicholas Harding, esquires; to tranjact and compound with the faid subject superior:, and considerable progressivas teen made therein: and whereas claims have been entered in the

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court

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court of session, in terms of the Said act of the twentieth year of his Majesty's reign, by sundry creditors of the Said forfeiting persons, upon the said forfeited estates: and whereas the said transactions and compositions cannot be concluded, and the price to be paid to the subjest superiors ascertained, until the said claims, entered in the court of session by the creditors of the said forfeiting persons, are enquired into, and the extent of them ascertained, which cannot be done without the authority and interposition of parliament: for remedy whereof, and for rendering effectual the good and valuable purposes intended by the said in part recited act made in the twenty fifth year of his Majesty's reign; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the court of session in Scotland, shall, and is hereby authorized mine all claims and required to proceed upon and determine all claims entered, entered by the or that shall be entered, by virtue of and in terms of the beforementioned act of the twentieth year of his Majesty's reign, by the creditors of the faid Donald Cameron of Lochiel, Charles Stewart of Ardsheil, Donald Mack Donald of Kinlochmoydart, Evan Macpherson of Clunie, Francis Buchanan of Amprior, Donald Mack Donald of Lochgarry, Allan Cameron of Callart, Francis Farquharson of Monaltry, and Alexander Mack Donald of Keppoch, upon the lands and estates of the said forfeiting persons, or upon any other lands and estates vested in his Majesty by the aforesaid act of the twentieth year of his Majesty's reign, held of subject superiors, according to the rules and regulations, and in the manner and form prescribed by the above-mentioned act of the twentieth year of his Majesty's reign, for determining claims entered upon the estates of forfeiting persons holding of the crown.

Court of feffion to proceed on and detercreditors of the forfeited estates.

Actions may be brought before the court for proving the annual rental and value.

court to be Anal, unless application for reverling the same be made within a limited time.

II. And whereas it is necessary to determine and ascertain the annual produce or value of the said estates; be it further enacted by the authority aforesaid, That actions may be brought before the court of fession, at the instance of his Majesty's advocate, for proving the faid annual value and rental, and also the value of the faid lands and real estates; which actions shall be served against the defendants, and shall otherways be proceeded in before the court of fession, in the same way and manner, and agreable to the rules and regulations prescribed by the said act of the twenty fifth year of his Majesty's reign, concerning the valuation of the other forfeited estates annexed to the crown.

III. And be it further enacted by the authority aforelaid, Decree of the That every decree or determination of the court of fession in the faid matters and things, shall be final and binding upon the subject superiors, and all other persons and parties concerned, in case application for reversing or amending such decrees is not duly made in the manner prescribed, and within the time limited, by the faid last-mentioned act of the twenty fifth year of his Majesty's reign.

IV. And, to the end that the interest of the subject superiors may



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no ways be prejudged, it is hereby further enacted by the autho- subject superity aforesaid, That it shall and may be lawful to the said sub-riors may apject superiors, by themselves, or by their counsel, to appear in pear in court, the said court when the claims entered upon the said estates re- and object, when the spectively held of them, or when the said actions of valuation claims are enare heard and determined, and to object thereto as they shall tered, or aclee caule.

V. Provided always, and be it enacted by the authority aforefaid, That nothing in this act shall be construed to hurt or prejudice the right accruing to his Majesty, by the forfeiture of the the subject foresaid persons, or to invalidate or destroy the claim of the said superiors resubject superiors duly entered in the court of session to the pro- served. perty of the faid estates.

tions of valuation heard. Rights of the

CAP. XVII.

An all to explain, amend, and render more effectual an all passed in the twenty ninth year of the reign of his present Majesty, intituled, An act for appointing a sufficient number of constables for the service of the city and liberty of Westminster; and to compel proper persons to take upon them the office of jurymen, to prefent nufances and other offences, within the faid city and liberty.

HEREAS an all passed in the twenty ninth year of the Preamble, rereign of his present Majesty, intituled, An act for appoint- citing the act ing a sufficient number of constables for the service of the city 29 Geo. 2. and liberty of Westminster; and to compel proper persons to take upon them the office of jurymen, to prevent nuisances and other offences within the faid city and liberty: and whereas difficulties have arisen in ascertaining, who ought, in many cases, to repair pavements and remove annoyances, and the said all hath in other respects been found insufficient to answer the several purposes thereby intended: therefore, to render the same more effectual; be it enacted by the King's most excellent majesty, by and with the advice and confent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority Repairs of of the same, That all pavements, within the said city and li-pavements, berty, belonging or opposite to churches, or other publick of annoybuildings or grounds, which are the property of any parish, and ances, belongwhich of right ought to be repaired by such parish, shall, from time ing to parish to time be repaired, and kept in repair, and also all annoyances churches, pubbelonging thereto be removed, by the churchwardens of fuch or grounds, to parish for the time being; and all pavements belonging or op- be done by posite to markets, shall be repaired and kept in repair, and all the churchannoyances belonging thereto be removed, by the proprietors of wardens; fuch markets, their agents or lessees; and all pavements belong- to markets, by ing or opposite to hospitals, alms-houses, charitable foundations, the proprieand all other publick buildings, not being the property of any tors, &c. parish, shall be repaired, and all annoyances belonging thereto to hospitals, R 2

be charicable

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foundations, &c. by the principal officer thereof; grounds, by the owners.

Annoyance jury may prefent bad pave. ments and angiving notice of their intention to the proper perions;

be not amended, or removed within 14 days, may amerce the faid persons according to the nature of the offence.

Occupiers of houses are to repair the pavements, and deduct the their rent;

they are by contract, to in repair.

Pavements broken up by persons becompany of water works, are to be re-

be removed, by the principal officer or person residing in fuch buildings respectively, who are hereby declared to be the occupier or occupiers thereof; and all pavements belonging or and to private opposite to lands and grounds, or adjoining to any wall or fence, where no houses are erected or built shall be repaired, and all annoyances belonging thereto be removed, by the owners of fuch lands and grounds, or other person or persons, who of right ought to repair such pavements, or remove such annoyances, as the case shall be: and it shall be lawful for the said annoyance jury appointed by the faid recited act, and qualified as therein is directed, or any twelve or more of them, and they noyances, first are hereby required to present all bad and defective pavements, and all annoyances belonging or opposite to all such buildings, places, and grounds, as aforefaid, first leaving notice in writing with fuch churchwardens, proprietors of markets, their agents or leffees, principal officers, or persons residing in such buildings, or owners of fuch grounds, as aforesaid, or affixing the same upon some publick part of such buildings, or on the walls or fences of fuch grounds, where any defective pavements or annovances shall be found of their intention to present the same; and if the same and in case such churchwardens, proprietors of markets, their agents or leffees, principal officers, or persons residing in such buildings, or owners of grounds, as aforesaid, shall not within fourteen days next after such notice given, cause such pavements to be amended, and annoyances to be removed, then the faid jury shall amerce the said churchwardens, proprietors of markets, their agents or leffees, principal officers, or persons aforefaid, in such sum or sums of money as they shall think proper, according to the nature of the offence, not exceeding forty shillings for any one offence.

II. And be it further enacted by the authority aforefaid, That all tenants or occupiers of houses, buildings, or grounds, in all places within the faid city and liberty, shall be subject and liable to repair the pavements belonging or opposite to any such charges out of houses, buildings, or grounds; and it shall be lawful for all tenants to deduct and detain out of their rent due or to grow due, all and every fuch fum and fums of money as they shall have expended in repairing such pavements, according to notice to be except where given for that purpole by the annoyance jury, as aforelaid, (except in fuch cases only where tenants are by any covenant, conkeep the same tract, or agreement, to keep such pavements in repair at their own expence) any law or usage to the contrary notwithstanding.

111. And whereas the pavements within the limits aforefaid are frequently broken up and damaged by perfens belonging to the several proprietors of water works, and are often relaid with bad materials, or in an impreper manner; be it therefore further enacted by the authority aforefaid, That when and as often as any paviour, agent, fervant, or other person, belonging to or employed longing to any by any of the proprietors of water works, or any other perion employed by them, or any of them, shall break, take up, or other wife damage any pavement within the faid city and liberty, fuch



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fuch paviour, agent, servant, or other person, shall cause the laid by them fame to be relaid or repaired as foon as conveniently may be, in a substantial with good durable stone and gravel, and in a substantial and manner, and in a conveniworkman-like manner; and in case they shall not relay or re- ent time. pair fuch pavement with all convenient speed, and to the satisfaction of the person to whom the same belongs, such person In default, the may at any time within fourteen days next after such pavement annoyance shall have been broken up or damaged, as aforesaid, apply to jury, upon the foreman, or to any one of the annoyance jurymen of the complaint, division for the parish wherein such pavement shall be, who, thereof, upon fuch application, is hereby required, together with fix or more of the jurymen for that division, to view the premisses in question; and if upon their view it shall appear to them that may direct the fuch pavement hath not been relaid in due time, or in the man-proprietor to ner before directed, the said jurymen shall direct the person to relay the same, whom fuch pavement belongs, or who is liable to repair the fame, to cause the same to be relaid or repaired in a proper manner; and when such pavement shall have been relaid or repair- and upon his ed, according to the direction of the faid jurymen, the person application to whom such pavement belongs, and who shall have caused to the court, fuch pavement to be relaid or repaired, as aforesaid, may apply the charges, to a court, to be held by the dean of Westminster for the time being; or the high steward of the city and liberty of Westminster for the time being, or his deputy; the two chief burgesses of Westminster, and the other burgesses, or any five or more of them, whereof the faid dean, high steward, or his deputy, or one of the faid two chief burgeffes, to be one; and upon fuch application made, the faid court are hereby required to examine into the premisses, upon oath (which oath they are hereby impowered to administer to any person or persons for that purpose;) the jury are to and the faid jury, or any twelve or more of them, shall at the amerce the faid court amerce any collector, paviour, agent, servant, or any company's other person belonging to or employed by any of the proprietors fame, of water works, upon whose account such pavement shall have been broken up or otherwise damaged, and which shall not have been relaid or repaired as before directed, in so much money, as shall, upon such examination, appear to the said court to have been justly expended in relaying or repairing such pavements; and also in a further sum not exceeding forty shillings, nor less and also in a further sum not exceeding forty shillings, nor less sum not exthan twenty shillings, for every such neglect or offence; which ceeding 40 s. money so expended in relaying or repairing such pavement, shall, nor less than when recovered, be forthwith paid by the faid court, to the per- 201, for fuch fon who shall have caused such pavement to be relaid or repair- neglect. ed, according to the direction of the faid jurymen, as aforefaid.

IV. Provided always, That no fuch amerciament thall be fet But the court or imposed upon any such collector, paviour, agent, servant, is to give noor person aforesaid, unless three days notice in writing shall have tice to the afirst been given by the said court to such collector, paviour, agent, amerciament fervant, or other person aforesaid.

V. Provided always, and be it further enacted by the autho- Paviour berity aforesaid, That no paviour, or other person or persons be- longing to

he imposed.

long- water works, before he

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pavement, is to give notice to what company he belongs,

under penalty ot 40 s.

Annoyance der the speedy removal of any annoyances or ob . ftructions;

and if not complied with, may amerce the offender in a fum not exceeding 40 s.

No hourd or tence to be fet up in the Areets, without a licence first had from the court.

Fee payable for the licence.

Penalty.

breaks up any longing to any company of water works, shall break or take up, or otherwife damage, any pavement within the faid city and IIberty, without first giving notice, in writing, by what company of water works he or they are employed, to the proprietor or occupier of the house, ground, wall, or building, to which such pavement shall belong or appertain, or by affixing such notice upon some conspicuous part of such house, ground, wall, or building, where the proprietor or occupier cannot be found; any law or ulage to the contrary notwithstanding: and in case any such paviour, or other person or persons aforesaid, shall break up or damage any pavement as aforelaid, without giving fuch notice as aforefaid, every fuch person shall be amerced by the laid jury in any fum not exceeding forty shillings for every offence.

VI. And whereas the long time allowed by the faid recited act, for removing annoyances, in some cases hath been found inconvenient : tor remedy whereof, be it enacted by the authority aforefaid, That when and as often as the faid annoyance jury shall, upon their jury where re- own view and knowledge, find any annoyances, obstructions, quifite may or- or encroachments, upon any of the publick ways, streets, or passages, within the said city and liberty, of such a nature as to require as speedy removal as may be, or which can be removed within a less time than fourteen days, it shall be lawful for the faid jury, by an order in writing, left at the house of the person who shall have caused or suffered such annoyance, obstruction, or encroachment, to direct such person to remove the same within a reasonable time to be specified in such notice; and if all fuch annoyances, obstructions, or encroachments, shall not be removed within such reasonable time as by the said notice shall be directed, then the said jury shall amerce the person or persons causing such annoyance, obstruction, or encroachment, in fuch fum as they shall think proper, not exceeding forty shillings for any one offence.

> VII. And be it further enacted by the authority aforesaid, That no builder, or other person shall erect or set up, or cause to be erected or fet up, in any of the publick streets, lanes, or passages, within the faid city and liberty, any hourd or fence whatfoever, without a licence under the common seal of the said court first had and obtained; in which licence shall be expressed the length and breadth of fuch hourd or fence, and also the time the same shall be allowed to continue; which licences the said court are hereby required to grant to all persons applying for the same, under such restrictions and limitations, as aforesaid, at the discretion of the said court; and no more than five shillings shall be paid for each licence: and if any person shall erect, or cause to be erected, any hourd or fence within the limits aforefaid, without such licence, or which shall not be agreeable to the directions thereof, or shall suffer any materials for building to remain on the outfide of any hourd or fence above the space of forty eight hours, every person offending in any of the cases



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aforefaid, shall be amerced by the said jury in a sum not exceeding forty fhillings for every fuch offence.

VIII. Provided always, That such licences shall not be con- Licence to be strued to extend to be a defence to any prosecution for a nui- no defence

fance. IX. And whereas by the faid recited att the faid annoyance jury nuisance. are impowered to destroy all unlawful weights, balances, and meafures, of persons dealing by weight or measure within the limits aforesaid; and a doubt having arisen upon the construction of such part of the faid act as relates thereto: for obviating whereof, be it enacted and declared by the authority aforesaid, That all weights and Weights and measures made use of by persons dealing by weight or measure, measures tobe within the said city and liberty, shall be sized and sealed by the and marked by standards belonging to the said city, and also marked with a port- the proper ofcullis by the officer already appointed for that purpose, or by such ficer. other officer as may hereafter be appointed by the faid dean, high steward, or his deputy, the two chief burgesses, and the other burgesses, of Westminster, or any five or more of them, whereof the faid dean, high steward, or his deputy always to be one, at a court to be held for that purpose (and by no other person or persons whatsoever) which officer appointed, or to be appointed, is hereby required, upon application to him made for that purpose, to seal and mark, in manner aforesaid, all weights and measures which shall be brought to him for that purpose, and which shall be agreeable to the standards belonging to the said city; and the faid officer shall demand and receive, for each weight and measure so by him sealed and marked, as aforesaid, for his pains and trouble therein, the fees following, and no more; that is to fay, for every bushel, four pence; for every Officers tees half bushel, two pence; for every peck, half peck, and quarter for sealing and peck, one penny; for all half pecks, or quarter pecks, per dozen, fame. ten pence; for every fack two pence; for every ale and beer measure, one farthing; for every hundred weight, four pence; for every half hundred weight, two pence; for all pound weights, and all other weights under half a hundred weight, one halfpenny; for all ounce weights, and all other weights under a pound, one farthing: and all weights and measures belonging Unsealed to persons dealing by weight or measure within the said city and weights and liberty, which shall not be sealed and marked in manner before be destroyed directed, shall be deemed unlawful; and it shall and may be as unlawful, lawful for the faid annoyance jury, or any twelve or more of them, and they are hereby authorized and required, to destroy and the ownall fuch unlawful weights and measures, and to amerce the own- ers amerced in er or owners thereof, or the person in whose possession the same a sum not exshall be found, in any sum or sums of money not exceeding ceeding 40 s. forty shillings for any one offence.

X. And be it further enacted by the authority aforesaid, That the officer already appointed, or hereafter to be appointed as aforesaid, after all necessary charges and expences attending the sizing, sealing, and marking such weights and measures as aforesaid, shall have been first deducted, shall, and he is hereby di-

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against profecution for a



to pay halfyearly to the deputy fleward a moiety of his profits.

Court, upon complaint, may amerce annoyance juryman, for non-execution of his office.

High confta. orders of the court,

and petty constables to be affilting to him; under penalty of being acourt.

Aged perions exempted from lerving as conitables, or as leet or annoyance jurymen.

Adjournments of the court leet.

Court may amerce jurymen for nonattendance, or other neglect.

High bailiff, or his deputy, to execute all warrants of burgelles,

Sealing officer rected and required half-yearly, within one calendar month next after the twenty fifth day of March, and the twenty ninth day of September, in every year, to pay, or cause to be paid to the deputy steward of Westminster for the time being, on account of his trouble and expence in attending his office of deputy steward of Westminster, one moiety of the clear money arising from or on account of fuch fizing, fealing, and marking as aforefaid.

XI. And, for the better executing the purposes of the faid recited act, and this present act; be it further enacted by the authority aforesaid, That if any annoyance juryman shall in any manner neglect or refuse to execute the duty of his office of juryman, it shall be lawful for the said court, upon complaint to them made of any such neglect or refusal to fine such juryman for every fuch offence, in any fum not exceeding forty shillings.

XII. And be it further enacted by the authority aforesaid. ble to obey the That the high constable for the said city and liberty is hereby required to obey all lawful orders which he shall from time to time receive from the faid dean, high steward, or his deputy, at any court to be holden for the faid city and liberty; and all petty constables are required to be aiding and assisting to the high constable in the execution of all such orders and directions; and if the faid high constable, or any petty constable, shall refuse or neglect to obey such orders, or in any other manner misbehave merced by the in their respective offices, the said court shall and may fine any high and petty constable, so offending, in any sum not exceeding forty shillings for every such offence.

> XIII. And be it further enacted by the authority aforesaid, That no person within the said city or liberty of Westminster, shall be liable or compelled to serve as a constable, or to find a person to serve in his stead, who is of the age of fixty three years, or upwards; nor shall any person be liable or compelled to ferve either as a leet or annoyance juryman, who is of the age of feventy years, or upwards; any thing in the faid recited act, or this present act, contained to the contrary notwithstanding.

> XIV. And be it further enacted by the authority aforesaid, That the said dean, high steward, or his deputy, shall, and are hereby authorized and impowered to adjourn the court leet held for said city and liberty, from time to time, as often as shall be convenient; any law or usage to the contrary notwithstanding: and if any leet juryman appointed, or to be appointed by virtue of the said recited act, shall neglect or resuse to attend the said court leet as often as thereunto required by the faid court, or in any other manner neglect or refuse to execute the duty of his office of juryman, it shall be lawful for the said court leet to fine such juryman for every such offence, in any sum not exceeding forty shillings.

XV. And be it further enacted by the authority aforefaid, That the said high bailiff, or his deputy or deputies, is and are hereby directed and required forthwith to execute all warrants the court leet, which he or they have already received, or may hereafter reor court of ceive, for levying any fine fet or imposed, or to be set or im-



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posed, for any offences against the said recited act, or this prefent act, from the faid court leet, or from the faid court of burgesses, or from any justice of the peace before whom any person shall have been, or may be convicted for any offence against the faid acts, or either of them; and in case the said high bailiff, or his deputy or deputies, shall refuse or neglect to execute any fuch warrant or warrants, as aforesaid, according to the true intent and meaning thereof, or to pay over all such fines as he and to pay shall, from time to time, receive by virtue of any such warrant over the sums or warrants, according to the true intent and meaning of the received, on faid recited act, or this present act, it shall and may be lawful penalty of befor the faid court leet, or court of burgesses respectively, and the court. they are hereby authorized and impowered to fine such high bailiff, or his deputy or deputies, so offending, in any sum not exceeding five pounds for every fuch offence; and if any fine or Fines imposed fines fet or imposed upon the said high bailiff, or his deputy or on the high deputies, by the faid court leet, or court of burgesses, as afore-bailiff, &cc. for faid, shall remain unpaid for the space of one calendar month premisses, next after the same shall have been so set or imposed, the high constable of the city and liberty of Westminster, is hereby autho- to be levied by rized and required by any warrant or warrants from the faid the high concourt leet, or court of burgesses respectively, directed to him for stable, by dithat purpose, to levy all and every such fine and fines, so to be stress and sale. fet or imposed on the said high bailiff, or his deputy or deputies, as aforesaid, by distress of the goods and chattles of the said high bailiff, or his deputy or deputies, and to cause sale to be made thereof, in case they shall not be redeemed within five days next after such distress made, rendering the overplus, if any, to the owner upon demand, after deducting the reasonable charges of making such distress and sale, as aforesaid.

XVI. And be it further enacted by the authority aforesaid, High bailiff to That it shall and may be lawful for the said high bailiff, or his retain a fourth deputy or deputies, to retain in his or their hand or hands, one of the fines fourth part of the several sums of money that shall be levied by levied by him; him or them, for the respective fines set by virtue of this or the faid recited act, in consideration of his or their trouble and ex-

pence in levying the fame. XVII. Provided always, and be it declared and enacted by and pay over

the authority aforesaid, That the remaining three fourth parts of the remainder the faid fines shall be paid over by the faid high bailiff, his de- to the overputy or deputies, to the respective overseers of the several pa- parish, to be rishes in Westminster, within the like time, and applied by them applied as the to the same uses and purposes, as are directed by the said recited former act di-

act, with respect to the whole of such fines.

XVIII. And be it further enacted by the authority aforesaid, Fines and a-That all fines and amerciaments which shall be set or imposed merciaments upon any person by virtue or in pursuance of this act, shall and in general, exmay be levied, recovered, and applied, except where the fame otherwise diare directed to be otherwise levied, recovered, applied, or dis- rected, to be posed of by this act, in the same manner as the fines and amer- levied and ap-

ciaments plied as the duecra.

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ciaments fet or imposed by the said recited act, are thereby di-

rected to be levied, recovered, and applied.

High bailiff to XIX. And be it enacted by the authority aforefaid, That the transmit an faid high bailiff, or his deputy or deputies, shall, from time to account theretime, transmit to the said court of burgesses, an account in wriof to the court ting of all fines and amerciaments by him levied or received, in of burgelies, pursuance of this, or the said recited act; and that the clerk of to be entered, the faid court of burgeffes, shall, in a book to be kept for that together with purpose, make a just and due entry of all fines and amerciathe licence ments fet or imposed by virtue of this, or the said recited act, fees for hoards, &c. and likewife an account of all monies received in pursuance and their apthereof, or on account of licences granted for erecting hoards, plication, in proper books, by virtue of this act, and the application of the several sums so received; which account the respective overseers of the several which may be parishes in Westminster, for the time being, shall have liberty to inspected by inspect at all seasonable and convenient times, upon application the overleers; to the faid clerk, and take copies thereof fo far as relates to the

taken thereof. faid fines. XX. And be it further enacted by the authority aforefaid,

That this act and all the powers and authorities herein contained, shall commence and have continuance from and after the twenty ninth day of September, in the year of our Lord one thoufand seven hundred and fifty eight.

XXI. And be it further enacted by the authority aforefaid,

Limitation of actions.

and copies

Commence-

tinuance of this act.

ment and con-

That if any fuit shall be brought or commenced against any perfon or persons, for any thing done in pursuance of this act, or in relation to the premisses, that in every such case, the action shall be commenced within fix months next after the fact committed, and not afterwards; and shall be laid and brought in the county of Middlefex, and not elsewhere, except such person or persons against whom such action shall be brought, shall remove into and refide in the city of London, in which case the said action shall be laid and brought in the said city of London; and the defendant and defendants in such action or actions to be General iffue. brought, may plead the general iffue, and give this act, and the special matter, in evidence, at any trial to be had thereupon. and that the fame was done in pursuance and by the authority hereof; and if it shall appear so to be done, or if any such action or fuit shall be brought after the time before limited for bringing the fame, or shall be brought in any other county, city, or place, than the county of Middlesex (except in such case as aforesaid) that then and in such case, the jury shall find for the defendant or defendants; and if upon such verdict, or if the plaintiff or plaintiffs shall become nonsuit, or discontinue his, her, or their action or actions; or if a verdict shall pass against the plaintiff or plaintiffs; or if, upon demurrer, judgement shall be given against the plaintiff or plaintiffs; the detendant or defendants shall and may recover treble costs, and have the like remedy for the same, as any defendant or defendants hath or have for costs of fuit, in other cases by law.

Treble cofts.

XXII. Provided always, That this act, or any thing or mat-

Places and

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2758.] Anno tricesimo primo GRORGII II. c. 18.

ter herein contained, shall not extend to the church or college of Westminster, nor to the close of Westminster, nor to any person empted from or persons inhabiting within the site, circuit, or precinct of the the jurisdictaid church, college, or close, for any offence or misgoverntion of the ment to be committed by them, or any of them, within the act. site, circuit, or precinct of the said church, college, or close.

CAP. XVIII.

An act for draining and preserving certain sen lands and low grounds in the isle of Ely and county of Cambridge, between the Cam, otherwise Grant, Ouse, and Mildenhall rivers, and bounded on the south east by the hard lands of Isleham, Fordham, Soham, and Wicken; and for impowering the governor, bailiffs, and commonalty of the company of conservators of the great level of the sens, called Bedford Level, to sell certain lands within the said limits, commonly called Invested Lands.

Preamble. Certain persons appointed commissioners, with others, to be chosen for the several places, to execute the act. An agent to be appointed for every 200 hundred acres any commissioner shall be possessed of, more than is required for his own qualification. Lords and ladies to appoint agents in like manner. The first commissioners for the several places. Their continuance. Future commissioners to be chosen annually. Commissioners dying, or becoming disqualified, others to be chosen. Penalty on commissioners acting, if not qualified. Exception. Commissioners to meet twice in every year, or oftner, if necessary. First general meeting when to be held. Allowance to be made to commissioners for their attendance. Commissioners impowered to raise and strengthen the banks of the rivers Cam, Ouze, &c. and of the feveral drains; and to lay proper tunnels and bridges; and to repair the same, &c. Invested lands not to be meddled with, without consent of the corporation. Power of making orders. Satisfaction to be made to private owners for damages done to their grounds. To be determined, in case of difference, by the justices at the quarter sessions. Navigation of the rivers not to be obstructed, &c. Commissioners to appoint collectors, and other officers; who are to be removable, and to give fecurity. An acre rate to be laid on the lands for raising money for carrying on the purposes of this act. Lands exempted from tax. Such lands only as are subject to inundations, are to be taxed. Hod or turf pools not taxable for 4 years. Common grounds belonging to the poor, to pay only half the tax charged on other lands. Commissioners may sever so much of the common lands, and let the same, as shall be sufficient to pay the taxes charged on the rest. Taxes how to be levied in default of payment. Tax to be paid by the tenants, and deducted out of their rent. In case of a lease, tenant to pay in proportion. Person not paying the taxes within two months after demand, to forfeit 25. for every 201. he shall be in arrear. Lands unoccupied, to remain a security for payment of the tax. Commissioners may take up money at interest for carrying on the works, and affign the rates as a fecurity for the fame. Charges of this act to be paid thereout. Rates chargeable with the monies borrowed thereon, and upon default of payment to vest in the creditors. Assignments may be transferred. Assignments to be entered in a book. Penalty upon persons cutting down or destroying banks or other works. Offender may be transported. Persons convicted of destroying, stopping, or damming up the drains, forfeit 50l. and convicted of throwing rubbith or other obstruction, 51. For want of distress the offender to be commited. 10 s. penalty on making or continuing the use of watering places for cattle, after notice given to the contrary; or of driving carriages over the banks. Outring or division dykes, to be kept of a certain width and depth, and effectually roded and scoured; bridges and tunnels to be also laid, &c. where the commissioners shall judge necessary, under certain penalties; commissioners may cause the same to be done, and levy the charges, with the penalty. Application of the penaltics. Regulations to be observed in laying tunnels; penalty 51. Rates and assessinents to be



Anno tricesimo primo GEORGII II. C. 19. [1758.

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entered in proper books; and also accounts of receipts and disbursements, Accounts to be audited on oath half-yearly; at which times the collectors and receivers are to attend with their vouchers, &c. Accounts, after they are passed, to be entered in 2 sets of books, &c. Moles in lands adjoining to banks to be destroyed by the owners of the said lands; or the charges thereof to be levied on them. No trees, holts, or buildings, to be fuffered to stand near any mill or engine. Commissioners impowered to erect staunches for keeping up a head of water at proper places, in the drains leading from the skirt lands. Mills may be erected for draining arable lands which produce winter crops. Mills to be erected, &c. by the commissioners for draining the tract of land principally belonging to lord Townshend, &c. General reservation of rights. Rights of the confervators of the great level referved. Recital of clauses in act 15 Car. 2. & 20 The corporation's receiver to pay to the commissioners collector the rates charged on the invested lands, until the same be sold. Conservators to appoint annually a commissioner for every 200 acres of the invested lands taxed by this act. Sale may be made of the invested lands; giving one month's publick notice thereof. The fame to be discharged of all former taxes; but not from taxes liable to be affested thereon after such Particular lands exempted from taxes. Disputes concerning the exemption of lands herein omitted to be exempted, to be determined by view of 9 commissioners on oath. Two copies to be made of such determinations, &c. Limitation of actions. General issue. Treble costs. Publick act.

CAP. XIX.

An act for draining and preserving certain sen lands, low grounds, and commons, in the parishes of Chatteris and Doddington, in the isle of Ely, in the county of Cambridge.

The fen and low grounds before described, divided into two Preamble. Certain perions appointed commissioners, with others, to be districts. chosen for the several places, to execute the act. An agent to be appointed for 20 acres any commissioner shall be possessed of. Joint owners of lands sufficient for a qualification, &c. may act as commissioners, and appoint agents. Persons disqualified from acting as commissioners. Commissioners to meet twice in every year. First general meeting when to be held. Adjournments, and other meetings of the commissioners. Sums allowed to be expended at half-yearly and other meetings. Meetings where to be held. Commissioners impowered to cut drains, and perform all other works proper for draining the lands. Satisfaction to be made to private owners for damages done to their grounds; to be determined, in case of difference, by 4 commissioners, who are to choose an umpire. Commissioners to appoint collectors, and other officers; who are to be removable, and to give fecurity. An acre rate to be laid on the lands for raifing money for carrying on the purposes of this act. Proviso. Lands exempted from tax. Quantities of land to be taxed, to be given in to commissioners. Penalty on neglect. Such lands only as are subject to inundations, are to be taxed. Commissioners may sever so much of the common lands, and let the same, as shall be sufficient to pay the taxes charged on the rest. Commissioners may take up money at interest for carrying on the works, and affign the rates as a fecurity for the fame. Affignments may be transferred. Affignments to be entered in a book. Limitation of the fum to be borrowed. Rates chargeable with the monies borrowed thereon, and upon default of payment to veit in the creditors. Application of the affestments, &c. Charges of passing this act to be first paid. Taxes how to be levied in default of payment. Tax to be paid by the tenants, and deducted out of their rent. No order made by the commissioners to be repealed, unless 5 consent. Penalty upon persons cutting down or deftroying banks or other works. Offender may be transported. Persons convicted of destroying, stopping, or damming up the drains, forfeit 501. For want of diffreis the offender to be committed. Allowance to be made out of the taxes for deftroying moles. Satisfaction to be made for damages done to the banks, by burning of the grounds.



1758.] Anno tricesimo primo GEORGII II. C. 20.

Penalty of throwing the waters upon another person's lands, and not immediately into the publick drains. Accounts to be audited on oath yearly; at which times the collectors and receivers are to attend with their vouchers, &c. Accounts, after they are passed, to be entered in 2 sets of books, &c. Proceedings of commissioners to be entered in books, and figned, and may be produced, and read in evidence. Penalty of cutting turf within a certain distance of the banks; and of making or continuing the use of watering places for cattle; and of making any sock dike, &c. near the banks; the faid penalties how to be recovered. Tunnel to be laid under Wimblington Leam, &c. unless a mill be erected for answering the purpose thereof. Charges thereof to be paid by the first district. Sufficient drains to be made in the second district, in particular parts thereof; and proper bridges and tunnels, to be defrayed by the second district. Fences to be erected for each district. Proprietors of lands in Normore, to maintain such parts of the bank on the west side of the Sixteen Foot, as adjoin to the said lands. Tenants repairing the same, or the charge there-of being levied on them, are to be reimbursed. Disputes relating to such charges how to be determined. No trees or holts to be suffered to stand Penalty on occupiers neglecting to rode and scour, &c. the outring and division dikes. Collectors may cause the same to be done &c. and levy the charge. Mills to be infured against fire. Rights of the conservators of the great level reserved. General reservation of rights. Limitation of actions. General issue. Treble costs. Publick act.

CAP. XX.

An act for applying a sum of money granted in this session of parliament, for rebuilding London Bridge; and for rendering more effectual an act passed in the twenty ninth year of his present Majesty's reign, intituled, An act to improve, widen, and enlarge the passage over and through London Bridge.

WHEREAS by an act passed in the twenty ninth year of the reign of his present Majesty, intituled, An act to improve, widen, and Preamble, reenlarge the passage over and through London Bridge; certain tells citing part of and sums of money, from and after the twenty fourth day of June the act 29 one thousand seven hundred and fifty six, were thereby reserved and Geo. 2. made payable, for or upon account of every horse, coach, chariot, hearse, berlin, landau, calash, chaise, or chair, passing over the faid bridge, and also by the owner or owners of every hoy, barge, vefsel, lighter, or other craft, having any goods on board, except as therein is excepted, every time such boy, barge, vessel, lighter, or other craft, should pass through any of the arches of the said bridge, and such tolls or sums of money were vested in the mayor and commonalty, and citizens of the city of London, for the purposes of the faid att: and whereas in pursuance of the powers given by the faid att a considerable progress bath been made in taking down the houses on the said bridge, and two of the arches under the same, in order to lay them into one; and also a temporary wooden bridge was at a great expence erected to preserve a publick passage to and from the said city, which said wooden bridge bath been entirely consumed by fire, and must necessarily be re-built, at a further considerable expence: and whereas it bath been found by experience that the fail tolls, or fums of money, will not be sufficient for effecting the ends and purposes for which the same were granted and made payable : and whereas a

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fum not exceeding fifteen thousand pounds hath been granted to his Majesty this session of parliament, to be applied for rebuilding of London Bridge: may it therefore please your most excellent Majefly, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present 15,000 l. to be parliament affembled, and by the authority of the same, That paid out of the out of all or any of the aids or supplies granted to his Majesty fuppliesgrant- for the service of the year one thousand seven hundred and fifty ed for the year in the there may and shall be applied and paid into the chamber 1758, into the eight, there may and shall be applied and paid into the chamber of the city of London, the sum of fifteen thousand pounds, without account, to be applied for rebuilding the faid bridge.

II. Provided always, That all and every the faid tolls or fums by the former of money made payable by the faid recited act, shall continue and be in force until the twenty fourth day of June, one thoufand seven hundred and fifty eight, and no longer; any thing in the faid recited act contained to the contrary thereof in any

wife notwithstanding.

III. And be it further enacted by the authority aforesaid, That passing this act the charges and expences of obtaining and passing this present act, shall be paid out of any money which has been or shall be raised and received by virtue of the said former and this act.

IV. And it is hereby further enacted, That all and every the powers, clauses, provisoes, matters, and things, contained in the ers, &c. of the faid former act, except such as are hereby discontinued or altered, shall remain, continue, and be in full force, and be executed, as well for the purposes of this act, as of the said former act, as amply and effectually as if the same were in and by this act, expresly re-enacted and declared to take effect and be in force.

V. And be it further enacted by the authority aforesaid, That this act and all the powers and authorities herein contained, shall commence from and after the twenty first day of April, one thou-

fand seven hundred and fifty eight.

VI. And for the more effectually preventing any person or persons, from burning or destroying the said bridge; be it ening or destroy- acted by the authority aforesaid, That if any person or persons ing thebridge, shall unlawfully, wilfully, and maliciously set fire to, burn, blow works thereof. up, pull down, or destroy the said bridge, or any part thereof, or any works or buildings which now do or shall belong thereto, or in any wife direct or procure the same to be done, every fuch offender or offenders being lawfully convicted, shall be deemed guilty of felony, and shall suffer death as a felon, without benefit of clergy.

VII. And be it also enacted by the authority aforesaid, That the chamberlain of the city of London, shall lay an account of the application, as well of the faid fum of fifteen thousand pounds. to be laid an as of all other monies received by virtue of this and the faid nually before former act, before both houses of parliament, within twenty days next after the opening of every fession of parliament, in the

fame manner as is directed by the faid former act.

Tolls granted act to continue to 24 June next, and no

chamber of

London.

longer.

Charges of how to be paid.

Continuation of fuch powformer act, as are not hereby discontinued or altered.

Commencement of this act.

Penalty of wilfully damag-

Death.

Account of the application of the monies received parliament.

VIII. And

1758.] Anno tricesimo primo Georgii II. c. 21.

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VIII. And be it enacted by the authority aforesaid, That if Limitation of any action shall be brought, or suit commenced, against any per- actions. fon or persons for any thing done in pursuance of this act, or in relation to the premisses, or any of them, such action or suit shall be laid or brought within fix months next after the fact done, and shall be laid or brought in the city of London or county of Surry, and not elsewhere; and the defendant or defendants in such action, may plead the general issue, and give this act and the spe- General issue. cial matter in evidence, at any trial to be had thereupon; and that the same was done in pursuance and by authority of this act; and if the same shall appear to have been so done, or if any fuch action or fuit shall not be brought within the time before limited, or shall be brought in any other county or place than as aforesaid, then the jury shall find for the defendant or defendants; or if the plaintiff or plaintiffs shall become nonsuited, or suffer a discontinuance of his, her, or their action or actions; or if a verdict shall pass against the plaintiff or plaintiffs; or if upon demurrer, judgement shall be given against the plaintiff or plaintiffs, the faid defendant or defendants shall have treble costs, and shall have such remedy for recovering the same, Treble costs. as any defendant or defendants hath or have for costs in other

IX. And it is hereby further enacted, That this act shall Publick act. be deemed a publick act; and shall be taken notice of as such, by all judges, justices, and other persons whatsoever, without

fpecially pleading the fame.

CAP. XXI.

An alt for allowing further time for involment of deeds and wills made by papists; and for relief of protestant purchasers.

TATHEREAS by a clause in an all of parliament passed in the Preamble, rethird year of his late Majesty's reign, intituled, An act for citing the acts explaining an act passed in the last session of parliament, intitu- 3 Geo. 1. led, An act to oblige papists to register their names and real estates, and for enlarging the time for such registering; and for securing purchases made by protestants; it was enacted, That from and after the twenty ninth day of September, in the year of our Lord one thousand seven bundred and seventeen, no manors, lands, tenements, bereditaments, or any interest therein, or rent or profit thereout, should pass, alter, or change, from any papist, or person professing the popist religion, by any deed or will, except fuch deed, within fix months after the date, and such will, within fix months after the death of the testator, should be inrolled in one of the King's courts of record at Westminster, or elfe within the fame county or counties wherein the manors, lands, and tenements lie, in such manner as therein for that purpose is particularly directed: and whereas by several acts of parliament made in the tenth year of his faid late Majeffy's reign, and in the third, fixth, ninth, eleventh, twelfth, fixteenth, and nineteenth years of the reign of his profent Majefly, it was enacted, That every deed and will which had been then made fince the truenty

Anno tricesimo primo GEORGII II. C. 21. 256

twenty ninth day of September, one thousand seven hundred and seventeen, in order to pass, alter, or change, any manors, lands, tenements, or hereditaments, or any interest therein, or rent or profit thereout, from any papist or person professing the popish religion, though not then involled, should be as good and effectual in the law, as the same would have been in case the said deeds and wills had been inrolled within the time limited, by the faid clause in the faid firstmentioned all, for inrollment thereof, provided the faid deeds and wills should be involled on or before the respective times in the said several acts respectively mentioned, in such manner as by the said firstmentioned all was directed: and whereas by another all made in the twenty fixth year of the reign of his present Majesty, it was enacted, That every deed and will made fince the first day of December, one thousand seven hundred and forty six, in order to pass, alter, or change, any manors, lands, tenements, or hereditaments, or any interest therein, or any rent or profit thereout, from any papist or person professing the pepish religion, to any protestant or protestants, or by reason of which deed or will any protestant or protestants may claim or derive any legal, equitable, or other interest what soever, to his, her, or their use, for his, her, or their benefit, or to the use or benefit of any other protestant or protestants, though not inrolled, or not inrolled in due time, should be as good and effectual in the law, as the same would have been in case the said deeds and wills had been inrolled within the times limited by the said clauses, in the said acts for the inrolment thereof, provided the same deeds and wills should be inrolled on or before the first day of January, one thousand seven hundred and fifty four, in such manner as by the said clause in the said firstand 28 Geo. 2. mentioned att is directed: and whereas by an att made in the twenty eighth year of the reign of his present Majesty, it was enacted, That

26 Geo. 2.

every deed and will made since the twenty ninth day of September, one thousand seven hundred and seventeen, in order to pass, alter, or change, any manors, lands, tenements, or hereditaments, or any interest therein, or any rent or profit thereout, from any papist or perfon professing the popish religion, to any protestant or protestants, or by or by reason of which deed or will, any protestant or protestants may claim or derive any legal, equitable, or other interest what sever, to his, her, or their use, for his, her, or their benefit, or to the use or benefit of any other protestant or protestants, though not inrolled in due time, should be as good and effectual in the law, as the same would have been in case the faid deeds and wills had been inrolled within the times limited by the faid clauses, in the faid acts for the inrollment thereof, provided the same deeds and wills should be involled on or before the first day of January, one thousand seven hundred and fifty fix, in fuch manner as by the faid clause in the faid first-mentioned all is directed; be it enacted by the King's most excellent majefty, by and with the advice and confent of the lords spiritual and temporal, and commons, in this present parliament assem-Further time bled, and by the authority of the same, That every deed and will made fince the twenty ninth day of September, one thoufand feven hundred and seventeen, in order to pass, alter, or change, any manors, lands, tenements, or hereditaments, or any

given for inrolling deeds and wills of papitts till 1 Jan. 1759.



Anno tricelimo primo Georgii II. c. 21. 1758.]

Interest therein, or any rent or profit thereout, from any papist or person professing the popish religion, to any protestant or protestants, or by or by reason of which deed or will, any protestant or protestants may claim or derive any legal, equitable, or other interest whatsoever, to his, her, or their use, for his, her, or their benefit, or to the use or benefit of any other protestant or protestants, though not inrolled, or not inrolled in due time, shall be as good and effectual in the law, as the same would have been in case the said deeds and wills had been inrolled within the times limited by the faid clauses, in the faid acts for the inrollment thereof, provided the same deeds and wills shall be inrolled on or before the first day of January, one thousand seven hundred and fifty nine, in such manner as by the faid clause in the said first-mentioned act is directed.

II. Provided always, That nothing herein contained shall No deed, will, extend, or be construed to extend, to make good any such deed, or lease made will, or lease, already made and not inrolled, of the want of good hereby, inrolment whereof advantage shall have been taken, on or before vantage has the first day of January one thousand seven hundred and fifty been taken of eight, but every such deed, will, or leafe, shall remain of such force the non-incoland effect only, as the same would have had if this act had ne- ment thereof

ver been made, and of none other force and effect.

III. And whereas many purchases made by protestants, may Purchases be in danger of being impeached or called in question, in regard made by prothat some deeds or wills, through which the title thereto is de-testants shall rived, ought to have been inrolled according to the said acts, stand good, if but have not been so inrolled; be it therefore further enacted has been taken by the authority aforesaid, That no purchase made for full and for non-inrolvaluable confideration of any manors, meffuages, lands, tene- ment. ments, or hereditaments, or of any interest therein, by any protestant or protestants, and meerly and only for the benefit of the protestants, shall be impeached or avoided, for or by reason that any deed or will through which the title thereto is derived, hath not been inrolled as required by the faid acts, so as no advantage was taken of inrollment thereof, before such purchase was made, and so as no decree or judgement hath been obtained for want of the inrolment of fuch deeds or wills.

IV. Provided also, That nothing herein contained, shall ex- No grant, tend or be construed to extend, to make good any grant, lease, lease, or mortor mortgage, of the advowson, or right of presentation, colla- gage of the tion, nomination, or donation, of and to any benefice, prebend, right of preor ecclefiastical living, school, hospital, or donative, or any a- sentation to a voidance thereof, made by any papift or person protessing the living, &c. popish religion, in trust, directly or indirectly, mediately or im- made by any mediately, by or for any such papist or person professing the &c. to be popish religion, whether such trust hath been declared by wri- hereby deemting or not.

before 1 Jan.

ed good.

Anno tricesimo primo GEORGII II. C.22. 258 [1758. CAP. XXII.

An all for granting to bis Majesty several rates and duties upon offices and penfions; and upon bouses; and upon windows or lights; and for raising the sum of five millions by annuities, and a lottery, to be charged on the said rates and duties.

Most gracious Sovereign,

Preamble.

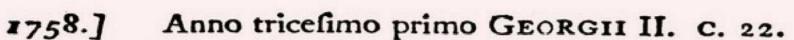
E, your Majesty's most dutiful and loyal subjects, the commons of Great Britain, in parliament assembled, being defirous, by the most easy and effectual ways and means, to raise such supplies as are necessary for the prosecution of the prefent war, and for enabling your Majesty, at the end thereof, to establish a good and lasting peace, have, for that end and purpole, given and granted, and, by this present act, do give and grant, unto your Majesty, the several and respective duties, impolitions, and lums of money, following, as well for and upon all salaries, fees, and perquisites, of offices and employments in Great Britain, and on all pensions and other gratuities payable out of any revenues belonging to your Majesty in Great Britain, exceeding the value of one hundred pounds per annum, as for and upon such houses, and windows or lights, as are herein after mentioned; and do most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the fifth day of April, one thousand seven hundred and fifty eight, there shall be yearly raised, levied, and paid, unto his Majesty, his heirs, and successors, the sum of one shilling, over and above all other duties already charged or payable, for every twenty shillings of the yearly value or amount of all salaries, fees, and perquisites, incident unto, or received for or in fions, and gra- respect of, all offices and employments of profit in Great Britain; and the like fum of one shilling for every twenty shillings, of all pensions and other gratuities payable out of any revenue belonging to his Majerly in Great Britain, exceeding the value of one hundred pounds per annum.

Employments of pront, pentuities, exceeding tool. fer annium, to pay is. per pound.

Duty on fuch at the excheducted and ftopr by the officers there;

II. And for the better raising, levying, and receiving, the faid as are payable feveral fums of money and duties hereby charged for and upon the faid offices and employments of profit; and for and upon quer, to be de- the penfions and gratuities aforefaid; and for the more effectual putting of this act in execution in reference to the fame, it is hereby declared and enacted, That a deduction shall be made of the faid fum of one thilling out of every twenty thillings, payable for, or in respect of, the salary, wages, or tees, of any offices and employments payable by the crown in Great Britain, which exceed one hundred pounds for a warm; and for or in respect of any pension or gratuity which is or shall be payable out of any revenue belonging to his Majorty in Great Britain exceeding the value of one hundred pounds per avenue, and that the

money



money so deducted by the officers of his Majesty's exchequer in and such as England, shall remain there for the purposes herein after decla-shall be de-red; and such part of the said money as shall be so deducted by ther publick any officer or officers of the dutchies of Lancasier and Cornwall, offices, to be or by any other commissioners, officers, and persons, by whom paid over into the faid falaries, wages, fees, pensions, and gratuities, are or shall the exchebe respectively payable in England, shall be by them paid into and such as the receipt of his Majesty's exchequer at Westminster; and such shall be depart of the said money as shall be so deducted by any of the of- ducted in ficers of the court of exchequer in Scotland, or by any commissi- Scotland, oriers, officers, or other persons, by whom the said salaries, wa- to be paid to ges, fees, pensions, and gratuities, are or shall be respectively the receiverpayable in Scotland, shall be paid at the city of Edinburgh, to such general in person or persons as the commissioners of the treasury, or the Edinburgh, person or persons as the commissioners of the treasury, or the high treasurer of Great Britain for the time being, shall consti- and by him tute and appoint to be receiver-general, or receivers thereof, for into the exhis Majesty's use; which said general receiver or receivers shall Westminster. pay the same into the receipt of his Majesty's exchequer at West- Officers of the minster; and the officers of the exchequer are hereby directed exchequer to and required to keep separate and distinct accounts of all sums keep a sepaof money by them respectively retained or received, for or in tinet account respect of the said duty on offices, and on pensions and other of the money gratuities, by virtue of this act, in order that the same may be retained and applied to the purposes in this act mentioned, and to and for no received by other use or purpose whatsomer other use or purpose whatsoever.

III. And whereas the profits of several offices and employments in Profits of offi-Great Britain, arise in the whole, or in part, from perquisites, ces to be com-which are due and payable in the course of office; it is hereby fur-as they were ther enacted, That such part of the sums of money hereby rated to the granted, as are payable for or in respect of the profits of any last land tax. office or employment, in any part of England, Wales, and Berwick upon Tweed, which arise from such perquisites, shall be computed, raised, levied, and paid, according to the annual value at which such profits stand valued and rated in the last assessment to the land tax.

IV. Provided always, That fuch profits arifing from fuch Profits to be perquisites as aforesaid, shall be deemed and taken to have been deemed rated valued and rated in such last affessment to the land tax, at so to the land much only, as the entire sum, at which any such office was va- tax, at so lued and rated in the said affessment, does exceed the amount of the entire sum the salary was on feet nearly as feet said affessment. the falary, wages, or fees, payable as aforefaid, in respect of the charged exfame office.

V. And be it further enacted by the authority aforesaid, That ry. for the better rating, ordering, levying, and collecting, of the duty by this act charged, upon such perquisites of such of the Commissionsaid offices or employments as are in that part of Great Britain ers of the land called England, Wales, and Berwick upon Tweed; and for the tax to put more effectual putting of this act in execution, in reference to somuch of this the same; the commissioners of the land tax for the time being, tion as relates within the feveral counties, cities, boroughs, cinque ports, to the duties towns, and places, of England, Wales, and town of Berwick up- upon perquion Tweed, shall be commissioners for putting so much of this tites of offices.

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act in execution, as relates to the duty hereby charged upon

the perquifites of offices.

Commissioners to meet on or before 3d July ; early;

and fubdivide themselves, &cc.

Commissioners at their general meeting, or within eight days after, to rate value at which they stand rated to the last land tax.

Duplicates thereof to be figned, &c. by them, and one delivered wairant for collecting.

VI. And be it further enacted and declared, That the feveral commissioners aforesaid, shall meet together at the most usual and common places of meeting within each of the faid counties, ridings, cities, boroughs, cinque ports, towns, and places respectively, within England, Wales, and town of Berwick upon Tweed, for which they are appointed commissioners as aforesaid, yearly on or before the third day of July, and afterwards in like manner, as often as it thall be necessary for putting so much of this act in execution, as is hereby committed to their care and charge; and the faid commissioners, or so many of them as shall be present at such meeting or meetings, or the major part of them, are hereby authorized and required, to put so much as aforefaid, of this present act in execution, and shall also, if they see cause, subdivide and distribute themselves, and the other commissioners not then present, into less numbers, so as three or more of the faid commissioners may be appointed for the service of each hundred, lathe, wapentake, rape, ward, or other division, as may best conduce to the carrying on his Majesty's fervices, hereby required; nevertheless, not thereby to restrain the faid commissioners, or any of them, from acting as commisfioners in any other part of the county or place for which they are appointed: and the faid commissioners, within the several hundreds, lathes, wapentakes, rapes, wards, or other divisions, in England, Wales, and Berwick upon Tweed, or any two or more of them, are hereby authorized and required at fuch general meeting, or within eight days after, according to the best of the amount of their judgements and discretions, to ascertain and set down in the duty pay- writing, in a rate to be prepared by them for that purpose, the offices andem- amount of the faid duty of one shilling in the pound, to be paid ployments of in pursuance of this act, by all commissioners or other officers. profit, in pro- their clerks, agents, secondaries, substitutes, and other inferior portion to the ministers and persons whatsoever, having, using, or exercising any of the said offices or employments, the salary, wages, fees, and perquifites whereof, exceed the value of one hundred pounds per annum, within their respective hundreds, lathes, wapentakes, rapes, wards, or other divisions, in proportion to the annual value, at which the profits of fuch offices or employments respectively stand valued and rated, in the last affestment to the land tax, for the faid respective hundreds and divisions respectively: and to the end the aforefaid duty on fuch perquifites of offices and employments may be duly collected, and true accounts thereof made, the faid commissioners, or any three or more of them, are hereby required and ordered, within the time above limited, to fign and feal two duplicates of the faid rates hereby directed to be made by them, and one of them to deliver, or cause to be delivered, to such persons as thall then be to the collectors of the land tax for each parith and place, or to fuch tors, &c. with other two or more honest and responsible persons, which the said commissioners shall at their discretion nominate and appoint, to



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be collectors of this present duty, for each parish or place, with warrant to the collectors to collect the fums contained in fuch rates, respectively payable as aforesaid, so as the said several fums may be paid to the receiver general at the respective times Persons agherein limited; and if any person or persons shall think himself grieved by beor themselves aggrieved, by being over-rated by the said com-ingover rated, missioners, it shall and may be lawful to and for such person or may appeal to persons, to appeal from the same to the barons of his Majesty's the barons of court of Exchequer, and the barons of the faid court, or any one the exchequer or more of them, is and are hereby authorized and required to hear and determine all fuch appeals, on or before the last day of Michaelmas term yearly; and the faid collectors are hereby re- Collectors to quired, upon the application of any person or persons who shall permit inspecthink himself or themselves over-rated to the said rates, to per- tion of the mit such person or persons, or their stewards or bailiffs, or other rates. proper representatives, to inspect the duplicates of such rates, upon the division or district of which he is collector, at all seasonable times in the day, without any fee or reward for the fame; and every person so intending to appeal to the said ba- Notice to be rons, shall, and he is hereby required to give notice thereof in given them of writing, to one or more of the collectors of the parish wherein appeal. he is rated, of fuch his intention to appeal; and it is hereby Appeals once declared, that all appeals once heard and determined by the faid heard and debarons, or any one or more of them, shall be final, without any termined to be further appeal upon any pretence what soever: and the faid com- final. missioners are hereby required to deliver, or cause to be deliverparchment of ed, a schedule or duplicate in parchment, under their hands and the rate to be feals, fairly written, containing the whole fum rated within each delivered to parish or place, unto the receiver general of each county, riding, the receiver city, borough, town, and place respectively, in England, IVales, general; and and Berwick upon Tweed, or his deputy; and shall transmit, or membrancer's cause to be transmitted, a like schedule or duplicate into the office, King's remembrancer's office of the exchequer; and this the by the first faid commissioners shall cause to be done, upon or before the day of Hilary first day of Hilary Term, or within twenty days after (all appeals Term, or 20 being first determined) for which duplicates the remembrancer, days after (all or his deputy, shall give to the person who brings the same, a appeals first determined) receipt in writing gratis.

VII. And be it enacted by the authority aforesaid, That the Duty to be faid duty by this act imposed upon offices or employments with- raised, collectin that part of the kingdom of Great Britain called England, ed, and paid, Wales, and Berwick upon Tweed, as aforesaid, shall in all re- ner, and with spects, (save as is herein otherwise enacted and provided) be such allowraised, levied, collected, and paid into his Majesty's exchequer, ances, and for the purpose in this act expressed, in such and in like form under such and manner, and with fuch allowances, and under fuch penal- as the land ties, forfeitures, and disabilities, and according to such rules, tax of this methods, and directions, as are prescribed or appointed for rai- session. fing, levying, collecting, and paying the aid commonly called The Land Tax within England, Wales, and Berwick upon Tweed. in and by an act of parliament made and passed in this present



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festion of parliament, intituled, An all for granting an aid to his Majesty by a land tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and fifty eight; and for enforeing the payment of the rates to be affelfed upon Somerset House in the Strand; and all and every the powers, authorities, rules, directions, penalties, forfeitures, clauses, matters, and things contained in the faid act, for the raising, levying, collecting, and paying the rates or duties thereby granted, within England, Wales, or Berwick upon Tweed, (so far forth as the same are not with respect to the duties granted by this present act varied and altered) shall be in full force, and be duly observed, practised, and put in execution, for raising, levying, collecting, and paying the faid duty by this act imposed on offices and employments, within England, Wales, and Berwick upon Tweed, as fully and effectually to all intents and purposes, as if the same or the like powers, authorities, rules, directions, penalties, forfeitures, clauses, matters, and things, were particularly repeated and reenacted in the body of this prefent act.

Their royal ger of Wales, Wales, not chargeable,

nor their officers or fervants;

nor his royal highness the berland, nor the princess royal, nor princes Amelia.

Perquifites of offices and employments to pay where laft affeffed.

VIII. Provided always, and it is hereby declared, That this highnesses the act, or any thing herein contained, shall not charge or be conprincess dowa- strued to charge her royal highness the princess dowager of Wales, and prince of or his royal highness the prince of Wales, with the above mentioned duty or payment of one shilling out of every twenty shillings, by the year, for or in respect of any sums of money or annuities given or granted by his Majesty to their said royal highnesses, or the officers or fervants attending their persons; but that such sums of money and annuities, and their royal highnesses, and their treasurers, or receivers general for the time being, shall be free and clear of all taxes, impositions, and other publick charges whatfoever; any thing in this or any former act to the contrary in any wife notwithstanding.

1X. And be it further enacted by the authority aforesaid, That this act, or any thing herein contained, shall not charge duke of Cum. or be construed, deemed, or taken, to charge his royal highness the duke of Cumberland, or her royal highness the princess royal, or her royal highness the princess Amelia, or the officers or servants attending their persons, with the above mentioned duty or payment of one shilling out of every twenty shillings, by the year, for or in respect of any annuities or yearly payments granted or to be granted by his Majesty to their said royal highnesses, and their servants, for the time being, in respect of the same; but that such sums of money or annuities, shall be free and clear from all taxes, impositions, and other charges whatfoever.

X. Provided always, and be it further enacted and declared by the authority aforesaid, That for the avoiding all obstructions and delays in collecting the duty by this act to be rated upon the perquifites of any offices or employments, the same shall pay and be rated in such county, hundred, rape, wapentake, constablewick, division, or place of allotment, within England, Wales, and Berwick upon Tweed, in which the same were last assessed, and not elsewhere.



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XI. And be it further enacted, That the first half-yearly First half yearpayment of the said assessments for England, Wales, and town of ly payment to Berwick upon Tweed, shall be levied, collected, and paid unto the before 10 Ocreceivers general of the faid several counties, cities, and other tober, and the places, who shall be appointed as aforesaid, on or before the last on or betenth day of October yearly; and the last of the said half yearly fore 5 April payments, on or before the fifth day of April yearly.

XII. And be it further enacted by the authority aforefaid, Receivergene That every receiver general in England, Wales, and Berwick ral within a upon Tweed, from time to time, within the space of one month month after next after he shall have received the full sum that shall be receiving the charged within any hundred or division, for such particular pay- full sum charg-ment that is to be made to such receiver general by virtue of commissioners this act, shall give to such commissioners as shall act in such division a receipt. or hundred, a receipt under his hand and seal, acknowledging the receipt of the full sum charged within such hundred or divifion, for fuch particular payments; which receipt shall be a full which shall be discharge to each hundred or division, for such particular pay- a full discharge ment, against his Majesty, his heirs, and successors; which said for payment; receiver general are hereby required forthwith, or at furthest Receivers gewithin twenty days after the receipt of any money of the taxes or neral within duties by this act granted, to transmit or cause to be paid the the monies inmoney by them received into the receipt of his Majesty's to the exche-

exchequer. XIII. And be it further enacted, That if any collector of any Collectors parish or place in England, Wales, or Berwick upon Tweed, shall keeping the keep in his hands any part of the money by him collected for money in their any longer time than is by this act directed (other than the al- hands, or paylowance made unto him by this act) or shall pay any part thereof ing it otherto any person or persons other than the receiver general of such the receiver county or place, or to his respective deputy, that every such col- general forfeit lector shall forfeit for every such offence, the sum of forty pounds; 401. and in case any receiver general of any part of England, Wales, or Berwick upon Tweed, or his deputy, shall pay any part of the monies paid to him or them by any collector by virtue of this act, to any person or persons whatsoever, other than into the receipt of his Majesty's exchequer, and at or within the respective times limited by this act; or in case any such receiver general Receiver general of any part of England, Wales, or Berwick upon Tweed, or his neval, or his deputy, shall pay any part of the said monies by any warrant of deputy, paying the high treasurer, commissioners of the treasury, or under trea- the money furer, for the time being, or upon any tally of pro, or tally of aninto the exticipation, or other way or device whatfoever, whereby to divert
chequer, foror hinder the actual payment thereof into the receipt of the ex- feit sool. chequer, as aforesaid, then every such receiver general shall, for every such offence of himself, or his deputy, forfeit the sum of five hundred pounds to him or them that shall sue for the same in any court of record, by bill, plaint, or information; wherein no essoin, protection, or wager of law, is to be allowed.

XIV. And be it further enacted by the authority aforefaid, That the commissioners of the supply for the time being, for put-S 4

Commissioners of the land tax in Scotland, to put this act in execution there;

putting in execution any act for raising the aid commonly called The Cefs or Land Tax, within the several shires of Scotland, or fuch of them who have qualified, or shall qualify themselves, according to the laws of Scotland in that behalf, shall be commisfioners for ordering, raising, and levying, the duty hereby granted on the perquifites of offices and employments, exercised within the same shires, or within any boroughs within the same respectively; which said commissioners shall put in execution this present act, and the powers therein contained, within and for the same shires and boroughs respectively; and the said commillioners have hereby power to chuse their own clerk, and to do every thing concerning the faid supply, as is prescribed and appointed by the cess act of the fixth of November, one thousand feven hundred and fix, and other acts made in any former parliament of Scotland, to which the faid act of the fixth of November, one thousand seven hundred and six, doth relate, holding the fame as if herein repeated.

according to the cess act of 6 Nov. 1706, &cc.

Execution to prefcribed.

First meeting to be at the head burghs ly yearly, &c.

All clauses in lating to the cels, &c. to be in force as to the supply herein granted making this act.

Clerks of the ly, on or before 10 June, fioners, fices of profit in each fhire; and a duplimembrancer of the exchequer;

XV. And it is hereby further enacted, That execution shall be done as by be done in Scotland for bringing the faid duty to be raised there, the faid acts is as is provided by the same acts in all points not altered by this act; and that the first meeting of the said commissioners for thires in Scotland, shall be at the respective head burghs thereof, the second Monday in July in every year; and that the sheriffs, on the second or their deputies, do intimate the same to the said commissioners Monday in Ju- of their shires, with power to the said commissioners, to appoint the subsequent diets of their meetings, and their convenors, from time to time; and also to appoint collectors, with such caution as they shall think fit.

XVI. And be it further enacted by the authority aforefaid, former acts re- That all clauses contained in former acts of parliament of Scotland, and convention of estates there, in relation to the bringing in of bringing in the the cess, and quartering, and touching riding money, shall stand in full force, as to the supply now imposed upon Scotland, as if they were herein expressed, and as they were observed before the

XVII. And it is hereby further enacted, That the clerk of theriff's court the sheriff's court in each thire in Scotland, shall yearly on or before to deliver year- the tenth day of June, deliver to the said commissioners of supply for such shire, a true and exact list of all and every office of emto the commif. ployment of profit, exercised in such shire, and every burgh within the same; and also do, and shall, within the time aforelists of all of- said, deliver, or cause to be delivered, a duplicate of such list, to the deputy remembrancer of his Majesty's court of Exchequer in Scotland; and in case any clerk of the sheriff's court shall neglect cate thereof to to deliver such list, or the duplicate thereof, within the time the deputy re- herein before mentioned, or shall wilfully omit out of such lists, or the duplicate thereof, any office or employment that ought to have been interted therein, he shall, for every such offence, for-

on penalty of feit the sum of fifty pounds sterling.

XVIII. And it is further enacted, That the said commissioners in their respective shires do, and shall yearly on or before the

tenth

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tenth day of July, according to the best of their judgments and Commissioners discretions, ascertain, and set down in writing, in a rate or assessing on or before ment to be prepared by them for that purpose, the annual value to rate the annual valu of all and every office and employment, exercised in such shire, nual value of and in every burgh within the same; and do therein rate and all offices and affess the said sum of one shilling for every twenty shillings of employments; the annual value thereof, on the officers and persons who then and assess in do, or shall execute any such office or employment, the salary, all such as fees, and perquifites of office whereof, exceed one hundred shall exceed pounds per annum; and in case the said commissioners of supply sool per anfor any shire in Scotland, shall neglect to make such rate and as-on commissioners. sessment, within the time herein before limited for that purpose, oners neglect, in that case, the sheriff depute of the county, shall, and is hereby sheriff depute required, on or before the twenty fifth day of July, yearly, ac- to make such cording to the best of his judgment and discretion, to make and rate. perfect fuch rate or affessment in writing; and a note of the said Note of the respective rates or assessments, shall, within fix days after the rate, within making and perfecting thereof, be lodged by the clerk of the 6 days after commissioners, or the said sheriff depute respectively, in the the making, to hands of the collector of the cess or land tax, for the time being, the collector for each county or burgh within Scotland, who shall be, and is of the land tax. hereby appointed, impowered, and required, to be collector thereof; and every such collector of the cess or land tax, and his cautioners, or security, shall be bound ipso field, by virtue of bound in rool. this act, for the due and faithful performance by fuch collector, penalty for the of all parts of the duty of the office hereby committed to him in faithful perrespect of the said rates and assessments, and that under the penalty formance of of one hundred pounds sterling; and that every such collector of his duty.

the cess, shall be intitled to have an allowance from the receiver Collectors to have 3d. in general of the sum of three pence per pound of the money by the pound for him collected and paid over to fuch receiver general; and the their trouble. persons so rated and charged with the said duty on their respective offices and employments, shall, by themselves, or others for their behoof, pay in the duty with which they were charged, on or before the tenth day of October, yearly, for the half year be- Duty to be twixt Whitfunday and Martinmas, and on or before the fifth day paid half yearof April, yearly, for the half year betwixt Martinmas and Whit- ly, on or befunday, to the collector of the cess, personally, or at his office by fore to Octo-him held for the receiving the land tax; unless such person shall ber, and 5 Aenter an appeal against the affessment made, in which case such except in caappeal shall be discussed before payment, in manner herein after ses of appeal, provided; and in case of appeal, such payment shall be made and then withwithin ten days after discussing or dismissing such appeal, in the in 10 days afmanner herein after provided; and that every person so rated ter hearing and affested, shall, in case of his not paying in the duties with the same; which he is charged, to the collector of the cefs, upon the day upon which he is hereby appointed to pay the same, or within on forfeiture three days after, forfeit treble the value and extent of the duty lue. with which he stands charged.

XIX. And be it further enacted, That it shall be in the Appeal may power of the persons liable to, and affessed for, the duty aforesaid, be made in be-

in half of the



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fubject, or of the crown, to the barons of

Martinmas term. Notice to be given to collector of the intention and caule of appeal; who is to make an entry thereot. Appeal if not profecuted within due time,

ment be affirmed,

feits to the collector 205.

Duty to be paid where the offices are exercised;

and to be raised free of all charges, other than as before allowed, and to be ceiver general at Edinburgh,

payable elfewhere.

and by him into the exchequer.

Where two or more offices, exceeding together rool. per ann. are exercited by one person, fuch person is to pay is. per

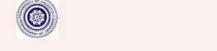
in case they shall conceive themselves to be injured by the assessment and charge made upon them by the faid commissioners of the exchequer. supply or sheriff depute; or to the collectors, or any other officer of the crown, if he shall judge the crown to be leased by the All appeals to affestiment or charge made; to appeal to the barons of the court be determined of exchequer in Scotland, who are to determine finally all fuch apthe last day of peals on or before the last day of term of Martinmas yearly; and every fuch appellant shall, within the space of ten days after the note in writing of his charge being delivered to him, or left at his house, by the collector by himself, or some other person acting on his behalf, deliver, or cause to be delivered, to the collector of the cess, at his office, a note in writing of the wrong or grievance of which such person complains, and whereof he shall be minded to feek redrefs by appeal; and fuch collector is hereby to make an entry, to be kept by him for that purpose, of all such notices given to him.

XX. And be it further enacted, That in case the party giving fuch notice of an appeal or complaint, shall neglect to insist thereon before the faid barons within the time before limited, then and in that case such complaint or appeal shall be held to be fallen from, and the charge or affestment therein referred to or if the affest- shall stand in full force; and in all cases of appeals fallen from, or upon hearing whereof the faid barons shall not vary the rate, the barons shall and may order the appellant to pay to the collecappellant for tor any fum not exceeding twenty shillings sterling, as they shall think proper, as and for the costs he may have been at by reason

of fuch appeal. XXI. And it is hereby enacted by the authority aforefaid, That every person rated or affested for any office or employment in Scotland, shall be rated, and pay for his said office or employment in the shire where the same shall be exercised, although the revenue or profits arising by such office or employment are

XXII. And it is hereby declared and enacted by the authority aforesaid, That the money imposed on offices and employments in Scotland, be raised in Scotland in the respective shires, stewartries, cities, and boroughs, free of all charges to his Majesty, fave as is herein before mentioned; and shall in like manner paid to the re- be paid at the city of Edinburgh, to such person or persons as the commissioners of the treasury, or the high treasurer of Great Britain for the time being, shall constitute and appoint to be receiver general or receivers thereof, for his Majesty's use; which faid general receiver or receivers shall be answerable and accountable for the same to his Majesty in the exchequer.

XXIII. Provided always, and it is hereby enacted, That where any person shall have, use, or exercise, two or more offices or employments in any part of Great Britain, the falary and perquifites whereof together exceed the fum of one hundred pounds a year, that such person shall be rated and liable to pay the said fum of one thilling in the pound for the profits of fuch offices and employments, notwithilanding the falary and perquifites of



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no one of the said offices are of the value of one hundred pounds pound for the

XXIV. Provided always, That nothing in this act contained Military offishall extend, or be construed to extend, to the pay of com-cers, &c. of the mission or non-commission officers or private men serving in the army or navy,

navy or army.

XXV. Provided always, That no commissioner of the land from paying. tax in England, Wales, or Berwick upon Tweed, or commissioner holding offices of the supply in Scotland, who shall be possessed of any office or liable to be employment subject and liable to the duty hereby imposed, shall rated, to withfit, or act, or any way interfere in rating his own office or em- draw, &c. till the rating ployment, but shall withdraw until the rating thereof be settled thereof be and determined by the rest of the commissioners then present; settled by the and in default thereof the rest of the commissioners then present rest of the shall have power, and are hereby required to impose such fine commissioners; or fines as to them shall be thought fit, upon such commissioner fo refusing to withdraw, or acting in his own cause, not exceeding on penalty of one hundred pounds sterling; and cause the same to be levied 1001. and paid as other fines and forfeitures to be imposed by virtue of this act are to be levied and paid in England and Scotland respectively.

XXVI. And be it enacted, That in all cases where any fees, falaries, wages, or other allowances or profits on any offices or Duty on fees, employments of profit charged by this act, shall be payable at the not paid, may receipt of the exchequer, or by the cofferer of his Majesty's hous- be stopt at the hold, or out of any other publick office, or by any of his Majesty's publick offices. receivers or paymasters in Great Britain, the duty or payment which, in pursuance of this act, shall be charged for or in respect of fuch offices or employments, shall and may (in case of nonpayment thereof) be detained and stopped out of the same, or out of any money which shall be paid upon such fees, salaries, wages, allowances, or profits, or for arrears thereof, and be ap- A true account plied to the satisfaction of the duties not otherwise paid as to be kept of aforesaid; and the proper officers in the said exchequer, and the money other the publick offices aforesaid, shall keep true accounts of all pies thereof to monies stopped, and (upon request) shall give copies of such be given to the accounts to the proper collectors of such monies for the respective collectors, if parishes or places where the said monies are rated by this act.

XXVII. And whereas divers offices and employments of profit chargeable by this all are executed by deputy, and the principal officers living in places remote from the division, parish, or place, where such offices or employments are texable, the rates and affilments for fuch particular offices and employments cannot be recovered without great charge and difficulty; be it therefore enacted by the authority Deputies to aforefaid, That where any office or employment of profit pay for princhargeable by this act, is or shall be executed by deputy, such cipals; and on deputy thall pay fuch affeffment as shall be charged thereon, and are liable to deduct the same out of the profits of such office or employment; distress. and in case of resusal or non-payment thereof, such deputy shall be liable to such distress, as by this act is prescribed against any person having and enjoying any office or employment of profit,

exempted

required.



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and to all other remedies and penalties therein respectively contained.

Separate account to be kept of the money paid into the exchequer for duties on of-

Penalties, .triple values, be levied by diffreis and fale

Distress to be appraised, &c.

Application of the penalties, &cc.

Diftre's, if not to be fold. owner.

If no purchafers appear, the diffress to the fheriff depute, &c.

XXVIII. Provided always, and be it further enacted by the authority aforesaid, That there shall be provided and kept in his Majesty's exchequer (that is to fay) in the office of the auditor of the receipt, one book of register, in which all the money that shall be paid into the exchequer for the duties on offices and pensions hereby granted, shall be entered and registered apart fices and pen- and distinct from all other monies paid and payable to his

Majeity. XXIX. And be it further enacted, That all penalties, treble values, and forfeitures, incurred by virtue of this act in Scotland, and forfeitures shall be recovered at the suit of the respective collectors by diin Scotland, to straining or poynding, according to the forms of the law of Scotland, upon warrants to be granted and subscribed by any two of the commissioners for supply, or by the sheriff, or depute sheriff, of the county from whom such warrant shall be required, and they are hereby respectively required to grant the same under the penalty of ten pounds sterling toties quoties, upon certificate made to them, or either of them, by the collector of the cess, that such penalties or forfeitures are incurred, and fuch duties refting and not duly paid; which warrants shall be executed by the constables or theriff officers of the county; and the goods or effects fo poynded or distrained shall be valued and appraised by any two persons to be appointed by the sheriff officer, or constable, to value and appraise such goods; which two persons shall be obliged to value the same, under the penalty of forty shillings sterling for each neglect or refusal; and which valuation shall be made upon the ground, or at the house, where the same were poynded and distrained, and may and shall be sold and disposed of at the value by the officer or constable who does povnd or distrain the same; and the value to be applied, in the first place, to the fatisfa Stion and payment of the duty, triple value, or penalty, owing by the person whose goods are so poynded; and, in the second place, to the payment for the trouble of the officer or constable so poynding, at the rate of two shillings per pound of the triple value, penalty, or forfeitures, for which the goods shall be poynded or distrained, unless the owner from whom the fame were poynded or distrained, shall redeem the same by paywithin 4 days, ment of the appraised value within the space of four days after the poynding and valuation, to the officer who poynded the Surplus to be same; and in case any surplus shall remain of the price or value, returned to the after payment of the penalty incurred, and after payment of what is allowed to be retained by the officer or constable in manner herein directed, such surplus shall be returned to the owner from whom the goods were diffrained; and in case no purchaser or buyer do appear at the faid fale, that the faid goods or effects fo poynded or distrained shall be configued and lodged in the hands be lodged with of the theriff depute of the county, or his substitute; and if not redeemed by the owner within the space of four days after the confignment of the hands of the faid theriff, that the fame shall

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be rouped, fold, and disposed of, by order of the sheriff, in such manner, and at such time and place, as he shall appoint; he al- who is acways being liable to the payment of the triple value of the penalty countable to or penalties incurred, to the collector of the cefs, and to the offi- the collector cer or constable who shall have poynded the same, for their trouble for the penaland expence as above stated, in case the value of the goods so ties and fees. fold shall amount to the extent of the penalties incurred, and to the fees due to the officer or constable; and shall be in the third is. per pound place, intitled to one shilling per pound of the value of the goods allowed to the so disposed of, for his own pains and trouble, after preference theriff for his and allowance of the penalties, and of what is appointed to be trouble and paid to the officer or constable so poynding, the expence of preferving or maintaining the goods or cattle fo poynded, during the four days allowed to the owner to redeem them, and the expence of the fale; and in like manner the expence shall be allowed to the sheriff for preserving and maintaining the goods or cattle distrained, during the four days that the owner is allowed to redeem after confignment in his hands, as also the expence of the fale.

XXX. And be it further enacted, That the officer or consta- Constable to ble who shall dispose of such goods or cattle so poynded, distrained, pay over the and fold, shall be bound to pay in the sums arising from the sale, money arising in fo far as extends to the penalties for which the same were the diffres, poynded by the collector of the cess or land tax, within ten days within 10 after the receipt of the price, allowing always what is above al-days; lowed for his own pains and expence; and that, in like manner, if the goods or cattle diffrained shall be disposed of by the sheriff, and the sheriff as before directed, he shall, within four days after receipt of the after receipt price, be obliged to pay in the same to the collector of the cess, thereof. after deduction of what is appointed to be paid to the officer or constable who made the poynding, and after deduction of what is above allowed to be retained by him for his own pains and expence, and shall remain liable to the collector of the cess, until payment, and subject to be poynded and distrained therefore, in the same manner as is above provided with regard to any person liable to penalties in virtue of this act.

XXXI. And he it further enacted by the authority aforesaid, Rates charged That from and after the fifth day of April one thousand seven upon houses, hundred and fifty eight, there shall be charged, raised, levied, windows, or and paid, unto his Majesty, his heirs, and successors, the several lights. rates and duties upon houses, windows, or lights, herein aftermentioned; that is to say,

For and upon every dwelling-house inhabited, which now is, viz. 1s. addior hereaster shall be, erected within that part of Great Britain tional duty called England, the yearly sum of one shilling, over and above upon every the yearly sum of two shillings already charged upon every such house in Eng.

And for and upon every dwelling-house inhabited, which and is upon now is, or hereafter shall be, erected within that part of Great every dwelling Britain called Scotland, the yearly sum of one shilling.

And

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270 And for every window or light in every dwelling-house inhaand 6d. additional duty for bited, or to be inhabited, within and throughout the whole kingdom of Great Britain, which shall contain fifteen windows every window every dwelling or lights, or upwards, the yearly fum of fix pence for each window or light in house contain or light in such house, over and above, and by way of addition to, the several and respective duties chargeable thereupon, by ing 15 winvirtue of former acts of parliament made in that behalf. dows, or more.

The faid dulected, and

XXXII. And be it enacted by the authority aforesaid, That ties to be raif the said several duties by this act imposed, within and throughout

20 Geo. 2.

granted.

ed, levied, col- the faid kingdom of Great Britain, for and upon such houses, and fuch windows or lights as aforefaid, shall be raised, levied, leveral acts of collected, and paid, into his Majesty's exchequer, for the purposes in this act expressed, in such and like form and manner, and with such allowances, and under such penalties, forfeitures, and disabilities, and according to such rules, methods, and directions, as are prescribed or appointed for raising, levying, collecting, and paying, the duties on houses, windows, or lights, in and by two several acts of parliament made in the twentieth year of his present Majesty's reign, the one, intituled, An act for repealing the several rates and duties upon houses, windows and lights; and for granting to his Majesty other rates and duties upon houses, windows, or lights; and for raising the sum of four millions four hundred thousand pounds by annuities, to be charged on the said rates or duties; and the other intituled, An act to enforce the execution of an act of this Sellion of parliament, for granting to his Majesty Seprescribe with veral rates and duties upon houses, windows, or lights; and in and respect to the by a certain other act of parliament, intituled, An act for explainduties thereby ing, amending, and further enforcing the execution of an act possed in the last session of parliament, intituled, An act for repealing the several rates and duties upon houses, windows, and lights; and for granting to his Majesty other rates and duties upon houses, windows, or lights; and for raising the sum of four millions four hundred thousand pounds by annuities, to be charged on the faid rates or duties; and all and every the powers, authorities, rules, directions, penalties, forfeitures, clauses, matters, and things now in force, contained in the faid three several acts of parliament, or any of them, for the raising, levying, collecting, and paying, the rates or duties thereby granted, shall be in full force, and be duly observed, practifed, and put in execution, within and throughout the whole kingdom of Great Britain, for raising, levying, collecting and paying the several rates and duties upon houses, windows, or lights, by this act granted, as fully and effectually to all intents and purpoles, as if the same or the like powers, authorities, rules, directions, penalties, forieitures, clauses, matters, and things, were particularly repeated and reenacted in the body of this prefent act.

Houses in Scotland not having more than 5 wined from the duty on houies.

XXXIII. Provided always, That no house or cottage in that part of Great Britain called Scotland, that has not more than five windows or lights, shall pay or be liable to pay the duty of one dows exempt- fhilling imposed on each house by this present act.

XXXIV. And



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XXXIV. And be it further enacled by the authority aforefaid, The commission That the commissioners authorized for putting in execution the oners for exe-three said former acts, or either of them, for all and every the said acts, are to respective counties, shires, stewartries, ridings; cities, boroughs, meet on or cinque ports, towns, and places respectively, within Great Britain, before 29 Jushall meet together at the most usual and common place of meet-ly, for putting ing, within such counties, this act in exing, within such counties, shires, stewartries, ridings, cities, ecution, boroughs, cinque ports, towns, and places respectively, within Great Britain, on or before the twenty ninth day of July one thousand seven hundred and fifty eight; and shall then divide themselves to act in separate districts, and proceed in the execution of this present act, for assessing, raising, levying, and collecting the duties hereby granted, in such and the same manner, to all intents and purpoles, as is prescribed by the three former acts, or either of them, with respect to the rates and duties thereby imposed.

XXXV. And be it further enacted by the authority aforefaid, That the feveral annuities which by this act shall be granted and made payable, with respect to the principal sum of five millions, Annuities to be raised in manner and form as is hereafter directed, shall be payable on the charged and chargeable upon, and payable out of, the feveral monies to be additional and new rates and duties by this act imposed upon act, charged offices and penfions, and upon houses and windows or lights; on the several and the faid several additional and new rates and duties, are additional and

hereby appropriated for that purpose accordingly.

XXXVI. And whereas several persons, natives or foreigners, and bodies politick or corporate, have, in books opened at the bank of England for that purpose, subscribed towards the said sum of five millions; four millions five hundred thousand pounds, part thereof, to be attended with annuities after the rate of three pounds ten shillings per centum per annum; and five bundred thousand pounds residue thereof, to be raised by a lottery, and attended with annuities after the rate of three pounds per centum per annum; and the faid subscribers or contributors have in pursuance of the resolutions of the commons of Great Britain in parliament affembled, deposited with, or paid to the cashier or cashiers of the governor and company of the bank of England for the time being, the fum of ten pounds per centum, in part of the sums by them subscribed respectively, and are desirous to pay the remaining principal sums by them Contributors subscribed as aforesaid, at the times and in the manner herein after who have alappointed in that behalf; be it therefore enacted by the authority ready depositaforesaid, That it shall and may be lawful to and for all such ed 101. per respective contributors who have already deposited with, or paid cent. of their to the faid cashier or cashiers of the said governor and company subscriptions, of the bank of England, the sum of ten pounds for every one of the bank, hundred pounds by them subscribed respectively, to advance and may pay the pay unto the said cashier or cashiers, who is and are hereby ap- remainder at pointed the receiver and receivers of fuch contributions (without the times and any further or other warrant to be fued for, had, or obtained in in the proporthat behalf) the remainder of the several sums so subscribed, at in the act. or before the respective days or times, and in the proportions in this act limited in that behalf.

XXXVII. And whereas it is intended that all such contributors to the faid fum of five millions, who shall have subscribed for five hundred pounds,

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pounds, shall be intitled to four hundred and fifty pounds in annuities, after the rate of three pounds ten shillings per centum per annum, transferrable at the bank of England, Jubject to fuch reduction as is hereafter mentioned; and to fifty pounds in lottery tickets, to be attended with annuities (transferrable also at the bank of England) after the rate of three pounds per centum per annum, and fo in proportion for a greater or less sum; be it enacted by the authority aforesaid, Times of pay. That all such contributors who have so made the said deposit of. ten pounds per centum, in part of the sums by them severally subscribed, as a security for making their future payments, shall make the same accordingly, at or before the respective days or times, and in the proportions in this act limited in that behalf; fubicribed tothat is to fay, In respect of their proportional share of the said fum of four millions five hundred thousand pounds, fifteen pounds per centum, on or before the thirtieth day of May one thousand seven hundred and fifty eight; fifteen pounds per centum, on or before the twenty eighth day of June then next ensuing; fifteen pounds per centum, on or before the twenty. feventh day of July then next enfuing; fifteen pounds per centum, on or before the thirtieth day of August then next ensuing; fifteen pounds per centum, on or before the twenty seventh day of September then next enfuing; and the remaining fifteen pounds per centum, on or before the twenty fixth day of October then next Times of payensuing: and in respect of their proportional share of the said fum of five hundred thousand pounds, twenty pounds per centum, on or before the tenth day of June one thousand seven hundred and fifty eight; fifteen pounds per centum, on or before the tenth 500.000l to-. wards the lotday of July then next enfuing; fifteen pounds per centum, on or before the nineteenth day of August then next ensuing; twenty pounds per centum, on or before the ninth day of September then next enfuing; and the remaining twenty pounds per centum, on or before the ninth day of October then next following: and that all fuch contributors for or in respect of nine equal tenth parts of the fums fo by them subscribed, shall be intitled to their proporper cent. intetional thare of annuities after the rate of three pounds ten shillings per centum per annum, subject as aforesaid; and for and in respect of the remaining one tenth of the fum fo fubicribed, so as many lottery tickets as the faid tenth part of the fum fo subscribed shall purchase, after the rate of ten pourds for each ticket; and that every such contributor or adventurer for every sum of ten pounds to advanced, for the purchase of a lottery ticket, shall be intitled to fuch lot, and to fuch annuity, after the rate of three pounds

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Annuities to

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Annuities to commence trom 5 July, . - :8.

per centum per annum, as is herein after directed and appointed. XXXVIII. And be it further enacted by the authority aforefaid, That the feveral contributors, their executors, administrators, fuccesfors, and assigns, in respect of the said sum of four millions five hundred thousand pounds, part of the said principal fum of five millions, thall be intitled to annuities after the rate of three pounds ten thillings per centum per armon, for the term of twenty four years, to commence and be computed from the fifth day of July, one thousand seven hundred and sit-



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ty eight; and from and after the end and expiration of the faid term of twenty four years, to annuities after the rate of three pounds per centum per annum, until redemption thereof by parliament, in manner herein after mentioned; and that such an- First payment nuities shall be paid half-yearly, on the fifth day of January, of interest to and the fifth day of July, by even and equal portions; and that be on 5 Jan. the annuities which shall become due and payable to the faid con- 1759. tributors, their executors, administrators, successors, and af-and payable figns, at the rate of three pounds per centum per annum, in re- Interest on spect of the said principal sum of five hundred thousand pounds, lottery tickets refidue of the faid principal fum of five millions, shall commence to commence and be computed from the fifth day of January, which shall be on 5 Jan. 1759, in the year of our Lord one thousand seven hundred and fifty nine, and shall, from time to time, be paid half-yearly, on the and afterfifth day of July, and the fifth day of January, by equal and wards to be for the half year ended the fifth day of Fully which their for the half year ended the fifth day of July, which shall be in the year of our Lord one thousand seven hundred and fifty nine.

XXXIX. And be it further enacted by the authority aforesaid; That the said cashier or cashiers who shall have received or shall cashier to receive any part of the sums so paid by way of deposit, or otherwise, in respect of the said annuities, after the rate of three paid in, pounds ten shillings per centum per annum, shall forthwith give receipts in writing signed by himself or themselves, to every such contributor, for all such sums; and that the receipts to be given the same made for any sums paid in respect of the said annuities, after the rate assignable. of three pounds ten shillings per centum per annum, shall be assignable, by indorsement thereupon made, at any time before the thirtieth day of Ostober, one thousand seven hundred and sif-

ty eight, and no longer.

XL. Provided always, That such cashier or cashiers shall Cashier to give give fecurity, to the good liking of any three or more of the fecurity; commissioners of the treasury now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, for duly answering and paying into the receipt of his Majesty's exchequer, for the publick use, all the monies which they shall have already received by way of deposit, or otherwise, or shall hereafter receive from time to time, of or for the faid fum of five millions, and for accounting duly for the same, and for performance of the truits hereby in them reposed; and shall from time to time so pay all such monies as and to pay in foon as they shall receive the same, or any part thereof, or with- the monies in five days afterwards at the farthest, and shall account for all into the exmonies fo received by him or them, in the exchequer according to the due course thereof, deducting thereout such sums as shall have been paid by him or them in pursuance of this act, in manner herein after mentioned; for which fums fo paid, allowance shall be made in his or their accounts.

XLI. And be it further enacted by the authority aforefaid, Treasury to That it shall and may be lawful to and for the commissioners of apply the mo-Vol. XXII.

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vices voted by his Majesty's treasury now being, or the high treasurer, or any the commons. three or more of the commissioners of the treasury, from time to time, to iffue and apply all fuch fums of money as shall so be paid into the receipt of his Majesty's exchequer by the said cashier or cashiers, to such services as shall then have been voted by the commons of Great Britain in this session of parliament, and not otherwise.

Contributors names to be entered in a book;

Duplicate thereof to be transmitted to the exchequer.

Contributors making good their payments, to have fure estates in the annuities.

Contributors making their vious to the

to be allowed interest for the fame, &cc.

XLII. And be it further enacted by the authority aforesaid, That in the office of the accountant general of the faid governor and company of the bank of Eugland for the time being, there shall be provided and kept a book or books, in which shall be fairly entered the names of all fuch contributors as aforefaid; the same to be and it shall and may be lawful to and for the said respective coninspected gra- tributors, their executors, administrators, successors, and assigns, from time to time, at all seasonable times, to have resort to and inspect the said book or books, without any fee or charge: and that the said accomptant general for the time being shall, on or before the twenty fifth day of March, one thousand seven hundred and fixty, transmit an attested duplicate, fairly written on paper, of the faid book or books, into the office of the auditor of the receipt of his Majesty's exchequer, there to remain for ever.

XLIII. And it is hereby enacted by the authority aforefaid, That all fuch contributors duly paying the whole fums by them respectively subscribed at or before the respective days and times in this act before limited in that behalf, their respective executors, administrators, successors, and assigns, shall have, receive, and enjoy their proportional share of the respective annuities of three pounds ten shillings per centum per annum, and three pounds per centum per annum, out of the monies by this act herein after appropriated for payment thereof, and thall have good and fure estates and interests therein for ever; subject nevertheless to the terms and provisoes of reduction and redemption in this act herein contained concerning the same respectively.

XLIV. And be it further enacted by the authority aforesaid, That all such contributors, their executors, administrators, sucpayments pre- ceffors, and affigns, paying in the whole or any part of the fums by them subscribed respectively, previous to the days appointed times limited, for the respective payments herein before directed, as well in respect to their proportional share of the said sum of four millions five hundred thousand pounds, as of the said sum of five hundred thousand pounds, thall be intitled to an allowance of so much money as the interest of the several sums so previously paid after the rate of three pounds per centum per annum, shall amount to, from the days on which fuch previous payments shall have been actually made, to the respective times on which fuch payments are directed to be made; fuch allowance to be paid, by the faid cashier or cashiers out of the monies contributed towards the faid fum of five millions, as foon as fuch respective contributors, their executors, administrators, successors, and affigns, shall have completed their payments herein before directed to be made; and that as foon as any contributors, their



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executors, administrators, successors, and affigns, shall have completed their payments of the whole purchase money payable by them respectively for any such annuities, after the rate of three pounds, ten shillings, per centum per annum, the principal sum or sums by them subscribed and paid for the purchase of such annuities, shall forthwith be placed to the credit of the faid contributors, their executors, administrators, successors, and affigns, completing the faid payments, and made transferrable in the books of the bank of England, to be kept for that purpose; and that after any contributors, their executors, administrators, successors, and assigns, shall have completed their payments of the whole purchase money payable by them respectively for any such annuities, after the rate of three pounds per centum per annum, lottery tickets to the amount of the principal sum or sums by them subscribed and paid for the purchase thereof, at the rate of ten pounds for each ticket, shall, as soon as they can conveniently be made out, be delivered to such contributors, their executors, administrators, successors, and affigns.

XI.V. Provided always, That in case any such contributors Centributors who have already deposited with or paid to the said cashier or not making cashiers, any sum or sums of money, at the times and in the good their manner before mentioned, in part of the sums so by them sub- within the scribed, or their respective executors, administrators, successors, times limited, or assigns, do not advance and pay to the said cashier or cashiers, to sorfeit their the residue of the sums so by them subscribed, at the times and deposits. in the manner before mentioned; then and in every fuch case, fo much of the sum so subscribed as shall have been actually paid in part thereof, to the said cashier or cashiers, shall be forfeited for the benefit of the publick; any thing in this act con-

tained to the contrary thereof in any wife notwithstanding.

XLVI. And be it further enacted by the authority aforesaid, Annuities, &c. That all the several annuities which by this act are granted and chargedon the made payable, until redemption thereof by parliament, in man-finking rund. ner herein after mentioned, shall be charged and chargeable upon, and payable out of, fuch fund or funds as are by this act established for payment thereof; and if at any time or times it shall happen that the produce of the fund or funds so established for payment of the faid several annuities, shall not be sufficient to pay and discharge the several and respective annuities, and other charges, directed to be paid thereout at the end of any or either of the respective half-yearly days of payment, at which the same are hereby directed to be paid, then and so often, and in every fuch case, such deficiency or deficiencies shall and may be supplied out of any of the monies which at any time or times shall be or remain in the receipt of the exchequer, of the furplusses, excesses, overplus monies, and other revenues, compoling the fund commonly called The finking fund (except fach monies of the faid finking fund as are appropriated to any particular use or uses by any former act or acts of parliament, in that behalf) and fuch monies of the faid finking fund thall and may be, from time to time, iffeed and applied accordingly; and

if at any time or times before any monies of the several rates and duties and sums of money hereby granted, shall be brought into the exchequer as aforesaid, there shall happen to be a want of money for paying the several annuities as aforesaid, which shall be actually incurred, and grown due at any of the halfyearly days of payment before mentioned, that then and in every fuch case, the money so wanted shall and may be supplied out of the monies of the finking fund (except as before excepted) and be iffued accordingly.

Sinking fund to be replaced out of the first iupplies.

XLVII. Provided always, and be it enacted by the authority aforesaid, That whatever monies shall be issued out of the sinking fund, shall, from time to time, be replaced by and out of the first supplies to be then after granted in parliament.

Annuities,&c. charged on the linking fund.

XLVIII. Provided always, and be it enacted by the authority aforesaid, That in case there shall be any surplus or remainder of the monies arising by the said sund or funds by this act established for payment of the said annuities, after the said several and respective annuities and all arrears thereof are satisfied, or money sufficient shall be reserved for that purpose, such surplus or remainder shall, from time to time, be reserved for the disposition of parliament, and shall not be issued but by the authority of parliament, and as shall be directed by future act or acts of parliament; any thing in any former or other act or acts of parliament to the contrary notwithstanding.

Managers and directors of the lottery to be appointed by the trealury.

XLIX. And, for establishing a proper method for drawing the faid lottery, be it further enacted by the authority aforefaid, That such persons as the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treafurer, or any three or more of the commissioners of the treafury, for the time being, shall appoint, shall be managers and directors for preparing and delivering out tickets, and to overfee the drawing of lots, and to order, do, and perform, such other matters and things, as are hereafter in and by this act directed and appointed by fuch managers and directors to be done and performed; and that fuch managers and directors shall meet together from time to time, at some publick office or place, for the execution of the powers and trusts in them reposed by this act; and that the faid managers and directors, or fo many of them as shall be present at any such meeting, or the major part of them, shall cause books to be prepared, in which every leaf shall be 3 columns, in divided or distinguished into three columns; and upon the ineach of which nermost of the said three columns, there shall be printed fifty 50,000 tickets thousand tickets, hereby intended to be made forth, to be numto be printed. bered, one, two, three, and fo onward, in an arithmetical progression, where the common excess is to be one, until they rife to and for the number of fifty thousand; and upon the middle column in every of the faid books, shall be printed fifty thoufand tickets of the same breadth and form, and numbered in like manner; and in the extream column of the faid books, there shall be printed a third rank or series of tickets, of the same number with those of the other two columns; which tickets

Books to be prepared with

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shall severally be of an oblong figure; and in the said books Tickets to be shall be joined with oblique lines, flourishes, or devices, in such of an oblong manner as the faid managers and directors, or the major part of joined with them, shall think most safe and convenient; and that every oblique lines, ticket in the third or extream column of the faid books shall &c. have written or printed thereupon (besides the number of such Tickets in the ticket, and the present year of our Lord Christ) words to this have the effect:

3d column to words following printed on

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THE bearer hereof is intitled to fix pounds, part of the joint them, flock of annuities after the rate of three pounds per centum per annum, transferrable at the bank of England, or to a better chance.

L. And it is hereby enacted, That the faid managers and di- Managers to rectors, or so many of them as shall be present at such meeting, examine the or the major part of them then present, shall carefully examine books with the all the said books, with the tickets therein, and that the same deliver them be contrived, numbered, and made, according to the true in- to the cashier, tent and meaning of this act, and shall deliver or cause to be delivered the same books, and every or any of them, as they shall be examined, to the said cathier or cashiers, taking from fuch cashier or cashiers, an acknowledgement in writing under and take a rehis or their hands, importing his or their receipt of fuch book ceipt for the or books, and so many tickets therein as shall be delivered to him or them; and the faid cashier or cashiers is and are hereby Cashier to give directed and required, upon his and their receiving every or a ticket for any intire fum of ten pounds, in full payment of a ticket, from every fum of any person or persons contributing or adventuring as aforesaid, 101. paid in, to cut out of the faid book or books so to be put into his or their cultody, through the faid oblique lines, flourithes, or devices, indentwife, one of the tickets in the faid extream columns, which the faid cashier or cashiers shall sign with his or their own name or names; and such cashier or cashiers shall permit the and permit contributors or adventurers, if it be defired, to write his or her the adventurname or mark on the corresponding ticket in the same book; er to write his and at the same time the cashier or cashiers shall deliver to the corresponding laid contributor or adventurer the ticket so cut off, which he, ticket. the, or they, are to keep and use for the better ascertaining and fecuring of the interest which he, she, or they, his, her, or their executors, administrators, successors, or assigns, shall or may have in the faid fund, for the monies to contributed or adventured, until redemption thereof, in manner herein after mentioned.

LI. And be it further enacted by the authority aforesaid, Cashier to re-That the faid cashier or cashiers, on or before the fourteenth deliver the day of Ollober, one thousand seven hundred and fifty eight, shall books to the re-deliver to the faid managers and directors, at their faid office mana or place of meeting, all the faid books, and therein all the tic- 14 October, kets which the faid cashier or cashiers shall not have cut out and delivered to the contributors or adventurers for their monies as

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nd account for the fums 1.ceived.

the exchequer.

Tickets of the middle column to be tied;

and cut off indentwife into a box marked with the letter (A)

Box to be fealed.

Books to be

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aforesaid; and shall then and there also deliver to the said managers and directors, a true and just account in writing under his or their hands, of all sums of money accrued or come to the hands of such cashier or cashiers, by or for the tickets delivered or to be delivered out pursuant to this act, and how the same, or how much thereof, shall have been actually paid by such cashier or cashiers, into the receipt of the exchequer, for Tickets undis- the purposes in this act expressed; and that the said managers poied of to be and directors, or the major part of them, which shall be prefent at a meeting as aforefaid, shall forthwith cause all the tickets of the faid outermost columns which shall not have been delivered to the contributors as aforesaid, if any such be, to be delivered into the receipt of his Majesty's exchequer, there to be retained and kept as cash, to be issued, sold, and disposed of, for raising money for the purposes in this act mentioned, as the commissioners of his Majesty's treasury, or the high treasurer, for the time being, shall judge reasonable and fitting.

LII. And be it further enacted, That the faid managers and directors, or the major part of them, which shall be present at rolled up, and a meeting as aforefaid, shall cause all the tickets, of the middle columns in the books made out in three columns as aforesaid, which shall be delivered back to them by or from the said cashier or cashiers as aforesaid, to be carefully rolled up and made fast with thread or filk; and the said managers or directors, or the major part of them as aforefaid, shall, in their presence, and in the presence of such contributors or adventurers as will be there, cause all the said tickets which are to be so rolled up and made fast as aforesaid, to be cut off indentwise through the faid oblique lines, flourishes or devices, into a box to be prepared for that purpose, and to be marked with the letter (A) which is presently to be put into another strong box, and to be locked up with seven different locks and keys, to be locked up and kept by as many of the faid managers, and fealed with their scals, or the seals of some of them, until the said tickets are to be drawn, as is herein after mentioned; and that the tickets in the first or innermost columns of the faid books shall remain still in the books for discovering any mistake or fraud (if any fuch should happen to be committed) contrary to the true meaning of this act.

LIII. And be it further enacted by the authority aforesaid, prepared with That the faid managers and directors, or the major part of them, a columns, on which shall be present at any meeting as aforesaid, shall also 50,000 tickets prepare, or cause to be prepared, other books, in which every to be printed. leaf shall be divided or distinguished into two columns, and upon the innermost of those two columns, there shall be printed fifty thousand tickets, and upon the outermost of the said two columns there shall be printed fifty thousand tickets; all which shall be of equal length and breadth as near as may be; which two columns in the faid books, shall be joined with some flourish or device, through which the outermost tickets may be cut off indentwife, and that fix thousand five hundred tickets, part



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of those to be contained in the outermost columns of the books last-mentioned, shall be, and be called, the fortunate tickets, to which extraordinary benefits shall belong, as is herein aftermentioned; and the faid managers and directors, or the major part of them, or such of them as shall be present at a meeting as aforesaid, shall cause the said fortunate tickets to be written upon or otherwise expressed, as well in figures as in words at length, in manner following; that is to fay, upon two of them The number feverally, ten thousand pounds principal money; upon three and value of of them severally, five thousand pounds principal money; upon the fortunate fix of them severally, two thousand pounds principal money; tickets. upon feventeen of them feverally, one thousand pounds principal money; upon every one of twenty nine of them feverally, five hundred pounds principal money; upon every one of one hundred forty two of them feverally, one hundred pounds principal money; upon every one of fix hundred and twenty fix of them feverally, fifty pounds principal money; upon every one of five thousand fix hundred and seventy five of them severally, twenty pounds principal money; which principal sums so to be written, or otherwise expressed, upon the said fortunate tickets, together with five hundred pounds principal money to be allowed to the 5001. to the owner of the first drawn ticket, and one thousand pounds prin-first drawn cipal money to the owner of the last drawn ticket, besides the 1000 l. to the benefits which may happen to belong to the two last-mentioned last drawn. tickets, will amount in the whole to the principal fum of two hundred thirty nine thousand pounds; which sum being added to the sum of two hundred fixty one thousand pounds (which will be the principal payable according to the intent and meaning of this act, on the remaining forty three thousand five hundred blank or unfortunate tickets, computed at the rate of fix 43,500 blank pounds for each blank or unfortunate ticket) do amount toge- tickets, at the ther to the principal sum of five hundred thousand pounds, be-rate of 61. ing the total principal sum to be converted into annuities in pursuance of this act, in respect of the said lottery tickets; and the faid managers and directors, or the major part of them, Tickets of the who shall be present at a meeting as aforelaid, shall cause all outermost cothe said tickets contained in the outermost columns of the last-lumns to be mentioned books, to be, in the presence of the said managers rolled up and and directors, or the major part of them, which shall be present at a meeting as aforefaid, and in the presence of such contributors or adventurers as will then be there, carefully rolled up and and cut out fastened with thread or filk, and carefully cut out indentwise indentwise, through the faid flourish or device, into another box to be pre-marked with pared for this purpose, and to be marked with the letter (B) the letter (B) which box thall be presently put into another strong box, and locked up with feven different locks and keys, to be kept by as Box to be many of the faid managers, and scaled up with their feals, or locked up and the seals of some of them, until those tickets shall also be drawn, sealed. in the manner and form herein after-mentioned; and that the whole butiness of rolling up and cutting off, and putting into the faid boxes the faid tickets, and locking up and fealing the T +

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faid boxes, shall be performed by the said managers and directors, or such of them as aforesaid, within six days at least before the drawing of the faid lottery shall begin; and to the end every person concerned may be well affured that the counterpart of the same number with his or her ticket, is put into the box marked with the letter (A) from whence the same may be Publick notice drawn, and that other matters are done as hereby directed, some to be given of publick notification in print shall be given of the precise time or times of cutting the faid tickets into the faid boxes, to the end that such adventurers as shall be minded to see the same

done, may be present at the doing thereof.

Lottery to begin drawing on 13 Nov. ¥758.

times of cut-

ting the tic-

kets into the

boxes.

Method to be observed in drawing, &c.

LIV. And be it further enacted by the authority aforesaid, That on or before the thirteenth day of November, one thousand feven hundred and fifty eight, the faid managers and directors shall cause the said several boxes, with all the tickets therein, to be brought into the guildhall of the city of London by nine of the clock in the forenoon of the same day, and placed on a table there for that purpose, and shall then and there severally attend this service, and cause the two boxes containing the said tickets, to be severally taken out of the other two boxes, in which they shall have been locked up; and the tickets of lots in the respective innermost boxes being, in the presence of the said managers and directors, or such of them as shall be then present, and of fuch adventurers as will be there for the fatisfaction of themfelves, well shaken and mingled in each box distinctly; and some one indifferent and fit person, to be appointed and directed by the managers aforesaid, or the major part of them, or such of them as shall be then present, shall take out and draw one ticket from the box where the said numbered tickets shall be as aforesaid put; and one other indifferent and fit person, to be appointed and directed in like manner, shall presently take out a ticket or lot from the box where the faid fix thousand five hundred fortunate, and forty three thousand five hundred blank tickets shall be promiscuously put as aforesaid; and immediately both the tickets fo drawn shall be opened, and the number, as well of the fortunate as the blank ticket, shall be named aloud; and if the ticket taken or drawn from the box containing the fortunate and blank lots shall appear to be a blank, then the numbered ticket so drawn with the said blank at the same time, shall both be put upon one file; and if the ticket so drawn or taken from the box containing the fortunate and blank lots, shall appear to be one of the fortunate tickets, then the principal sum written upon such fortunate ticket, whatever it be, shall be entered by a clerk, which the faid managers, or the major part of them as aforefaid, shall employ and overfee for this purpose, into a book to be kept for entering the numbers coming up with the faid fortunate tickets, and the principal fums whereunto they shall be intitled respectively, and two of the said ma-nagers shall set their names as witnesses to such entries; and the faid fortunate and numbered tickets fo drawn together, shall be put upon another file; and fo the faid drawing of the tickets



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shall continue, by taking one ticket at a time out of each box, and with opening, naming aloud, and filing the same, and by entering the fortunate lots in such method as is before mentioned, until the whole number of fix thousand five hundred fortunate tickets, and one more for the last drawn as aforesaid, shall be compleatly drawn; and if the same cannot be performed in After each one day's time, the said managers and directors shall cause the day's draw-boxes to be locked up and sealed in manner as aforesaid, and ing, the boxes boxes to be locked up and sealed in manner as aforesaid, and to be locked adjourn till the next day, and so from day to day, and every up and sealed. day, (except Sundays, Christmas, and fast days appointed by particular acts of parliament, or by the King's proclamation) and then open the same, and proceed as above till the said whole number of fix thousand five hundred fortunate tickets, and one more, shall be compleatly drawn as aforesaid; and afterwards the faid numbered tickets so drawn, with the fortunate tickets drawn against the same, shall be and remain in a strong box locked up as aforesaid, and under the custody of the said managers, until they shall take them out to examine, adjust, and

fettle the property thereof.

LV. And, to the end the fortunate may know, whether absent or present to what degree they have been so; be it enacted, That as Numbers of foon as the drawing is over, the faid managers are hereby required, the fortunate as foon as conveniently may be, to cause to be printed and pub- the sums, to lished the number of the tickets drawn against each fortunate be printed. ticket, and the principal fum written on the same; and if any Disputes re-contention or dispute shall arise in adjusting the property of the lating thereto, to be adjusted faid fortunate tickets, the major part of the faid managers, agree- by the managing therein, shall determine to whom it doth or ought to be- ers. long: and if any person or persons shall forge or counterfeit any Penalty of ticket or tickets, certificate or certificates, to be made forth in forging ticpursuance of this act, or made forth, or to be made forth, on any cates. former lottery act, or alter any the numbers thereof, or utter, vend, barter, or dispose of, or offer to dispose of, any false, altered, forged or counterfeited ticket or tickets, certificate or certificates, or bring any forged or counterfeit ticket or certificate, or any ticket or certificate the number whereof is altered (knowing the same to be such) to the said managers, or any of them, or the faid governor and company of the bank of England, or their cashier or cashiers, or accomptant general for the time being, or to any other person or persons whatsoever, to the intent to defraud his Majesty, or any contributor or adventurer, or the executors, administrators, successors, or assigns, of any contributor or adventurer upon this act, with a fraudulent intention; then every such person, being thereof convicted in due form of law, shall be adjudged a felon, and shall suffer death as Felony. in cases of felony, without benefit of clergy: and the said managers and directors, or any two or more of them, are hereby authorized and required to cause any person or persons bringing or uttering fuch forged or counterfeit ticket or tickets, certificate or certificates, as aforesaid, to be apprehended, and to commit him, her, or them, to his Majesty's gaol of Newgate, or to the

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common gaol of the county or place where fuch person or perfons shall be so apprehended, to be proceeded against for the said

felony according to law.

Managers to be iworn.

LVI. Provided always, and it is hereby enacted by the authority aforesaid, That every person who shall be appointed as aforesaid to be a manager and director for putting this act in execution, before his acting in fuch commission, shall take the oath following; that is to fay,

The oath.

A. B. do swear, That I will faithfully execute the trust reposed I in me; and that I will not use any indirect art or means, or permit or direct any person to use any indirect art or means, to obtain a prize or fortunate lot, for myself, or any other person whatsoever; and that I will, to the best of my judgement, declare to whom any prize, lot, or ticket, of right does belong, according to the true intent and meaning of the act of parliament made in the twenty ninth year of his Majesty's reign in that behalf.

Which said oath shall and may be administered by any two or

more of the other managers and directors.

LVII. Provided always, That it shall and may be lawful to and for the faid cashier or cashiers, having given security as aforesaid, at any time or times before such cashier or cashiers shall have received any book or books from the said managers comprehending the faid fifty thousand tickets as aforesaid, in three columns as aforesaid, to receive from any person or perfons who will voluntarily offer, contribute, and advance, the residue of any sum of ten pounds, or several sums of ten pounds, upon this act as aforesaid, the sums so offered to be contributed or advanced, at one entire payment, or in such proportions and manner as aforesaid, before such cashier or cashiers shall have received such book or books; and the said cashier or cashiers shall give a note or receipt, under his or their hand or hands, for the fum or fums fo contributed, and shall be obliged thereby, and by this act, to give the bearer of every fuch note or receipt, a ticket or tickets of the extream column of the three columns book or books aforesaid, for every ten pounds so contributed, paid, or answered, as soon as he or they shall be enabled thereunto by delivery of any fuch book or books to him or them from the said managers as aforesaid; any thing herein contained to the contrary notwithstanding.

Adventurer whole confideration-money by the times limited, thall lote the ney.

LVIII. Provided also, That in case any such contributor not paying his or adventurer aforefaid, who shall have advanced and paid down to such cashier or cashiers a proportion of his, her or their consideration-money, his, her, or their executors, administrators, successors, or assigns, do not advance and pay unto such cashier or cashiers the remaining part of his, her, or their conadvanced mo- fideration-money, so to be paid in full for such tickets as aforefaid, on or before the times for paying thereof as aforefaid; that then, and in every fuch case, every such contributor or adventurer shall forfeit and lose to his Majesty, for the use of the pub-



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lick, the proportion of his, her, or their purchase-money which he, the, or they shall have so paid down as aforesaid; and in fuch case no ticket or tickets shall be delivered out by the said cashier or cashiers to such contributor or contributors making fuch default, but the ticket and tickets which should have been delivered to fuch contributor and contributors, had they paid the full money for the same, shall be returned and delivered to the faid managers and directors by the faid cashier or cashiers, together with the other tickets (if any) in the outermost column of the book and books first herein mentioned and directed to be prepared, which shall not have been disposed of to contributors as aforesaid; and such ticket and tickets, upon and for which Tickets to be defaults of payments shall have been made as aforesaid, shall disposed of, be delivered into the receipt of his Majesty's exchequer with shall be deliother the said undisposed tickets (if any) there to be retained vered into the and kept as cash, and to be issued, sold, and disposed of, for the exchequer. purposes, and in the manner, herein before directed and appointed with respect to the said undisposed tickets; and the said contributor and contributors making fuch default, shall not have or receive, or be intitled to have or receive, any benefit or advantage for or in respect of the money which he, she, or they shall have paid for or towards the purchase of such ticket or tickets; any thing herein contained to the contrary notwithstanding.

LIX. Provided also, and it is hereby enacted by the autho- Managers,&c. rity aforesaid, That out of the monies to arise by the said con- to be paid by tributions to the lottery as aforesaid, it shall and may be lawful sioners of the to and for any three or more of the commissioners of the trea- treasury out fury, or the high treasurer for the time being, to reward the faid of the lottery managers and directors, and the clerks and officers to be em- money. ployed by and under them, and any other officers and persons that shall and may be any ways employed in this affair, for their labour and pains; also to discharge all incident expences as shall necessarily attend the execution of this act, in such manner as any three or more of the commissioners of the treasury, or the high treasurer for the time being, shall, from time to time, think fit and reasonable in that behalf; any thing in this

act contained to the contrary notwithstanding.

LX. And be it further enacted, That it shall and may be Guardians lawful for any guardian or truftee having the disposition of the may advenmoney of any infant, for the use and behoof of such infant, to ture infants money in the contribute and pay, for or towards advancing the faid sum of lottery. five millions, any sums of the monies of such infant, and such infant, upon payment of fuch fum or fums, shall become a contributor within the meaning of this act, and be intitled to have and receive such payment in respect thereof, and in such like manner as any other contributor; and the faid guardian and truftee, as to the faid fum or fums fo advanced, is hereby difcharged, fo as the name of fuch infant be expressed in the receipt or receipts for such money; and also upon the ticket or tickets that shall be delivered out for the same, that so it may

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> appear that fuch infant or infants was or were the contributor or contributors.

Limitation of fale of chances. &c.

Penalty.

LXI. And be it further enacted by the authority aforesaid, That no person or persons, in Great Britain or Ireland, shall fell the chance or chances of any ticket or tickets in the faid lottery, or any share or shares in any ticket or tickets in the faid lottery, for a day, or part of a day, or for a longer time less than the whole time of drawing the lottery then to come, or shall receive any money whatsoever in consideration of the repayment of any fum or fums of money, in case any ticket or tickets in the faid lottery shall prove fortunate; or shall lay any wager relating to the drawing of any ticket or tickets in the faid lottery, either as to the time of fuch ticket or tickets being drawn, or whether such ticket or tickets be drawn fortunate or unfortunate; and all and every person and persons who shall offend in any of the above-mentioned matters, shall forfeit and pay treble the fum and fums of money which shall have been received by fuch person or persons, contrary to the true intent and meaning of this act; to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at Westminster or Dublin respectively; on which no essoin, protection, privilege, or wager of law, or more than one imparlance, shall be allowed; one moiety whereof to be for the use of his Majesty, his heirs, or successors, and the other moiety to be paid to the person or persons who shall sue for the same; and every such wager or contract, and every agreement relating thereto, shall be, and is hereby declared to be null and void. LXII. And be it further enacted by the authority aforesaid,

Perfons felling fhares in tickets of which they are not possessed,

That if any person or persons, in Great Britain or Ireland, shall keep any office or offices, or shall print or publish any scheme or proposal, for receiving any sum or sums of money in consideration of an interest to be granted for the same, any ticket, or number of tickets, in the faid lottery, whereof fuch person or persons shall not then be actually possessed, or in consideration of any fum or fums of money to be repaid in case any ticket or number of tickets, in the faid lottery, which shall not be in the actual possession of such person or persons, shall prove fortunate, all and every such person and persons shall forfeit and to forfeit sool. pay the sum of five hundred pounds; to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at Westminster or Dublin respectively; in which no effoin, protection, or wager of law, or more than one imparlance, shall be allowed; one moiety thereof to be for the use of his Majesty, his heirs or successors, and the other moiety to be paid to the person or persons who shall sue for the same; and also shall suffer three months imprisonment without bail or mainprize.

Offences comacts for preventing un-

LXIII. And be it further enacted by the authority aforesaid, mitted in Ire- That if any offence against any of the acts of parliament made in this kingdom, for preventing private and unlawful lotteries, shall be committed in Ireland, the offender thall incur the like

renaity



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penalty and punishment, to be inflicted in like manner as if the lawful lotteoffence was committed in this kingdom; and that fuch penalties ries, declared as, by any of the faid acts, are directed to be recovered in any able, of his Majesty's courts of record at Westminster, shall, in case of and may be offences committed against any of the said acts in Ireland, be re- fued for in covered in any of his Majesty's courts of record at Dublin.

LXIV. And to the end that all the payments as well upon the fortunate as upon the unfortunate tickets, may be more easily ascertained, fettled, and adjusted, for the persons who shall be and become intitled thereunto; be it further enacted by the authority aforesaid, That After the as foon as conveniently may be after the drawing of the faid drawing of lottery shall be completed and ended, all the said tickets, as well the lottery, those contained in the books with three columns, as those con- be exchanged tained in the books with two columns, to be given out as afore-forcertificates. faid, shall be exchanged for certificates to be signed by such of

the faid managers, as shall be appointed for that purpose.

LXV. And be it further enacted, That such of the said ma- Managers to nagers, as any three or more of the comissioners of the treasury give notice of now being, or the high treasurer for the time being, shall ap-taking in the point to take in the faid tickets, and deliver out the faid certifi- tickets, and cates for and in lieu thereof, shall give timely notice, by adver- delivering out tisement to be printed and published in manner as they shall the certifithink fit, of the days and times for taking in the faid tickets, cates, &c. and delivering out the faid certificates, for and in lieu of the same; and every person's certificate shall be numbered in course, according to their bringing their tickets to the faid officer or officers so to be appointed for exchanging the same; to which Book to be purpose such officer or officers shall enter or cause to be entered kept for enin a book or books to be by him or them kept for that purpose, tering persons the name of every person who brings any ticket or tickets to be exchanged for such certificate or certificates, and the number or numbers of the ticket or tickets which shall be so brought by and the numfuch person or persons, the value in principal money payable ber of their thereupon, and the day of the month, and the year of our Lord, when the same was so brought, which book and books shall lie open in the office to be appointed for taking in the faid tickets to be exchanged for such certificates, for all persons concerned to peruse; all which certificates shall be signed by the officer or officers so to be appointed, or the major part of them, and be directed to the accountant general of the bank of England for the time being.

LXVI. And be it further enacted by the authority aforesaid, Certificates to That the faid accountant general of the bank of England for the be figued, &c. time being, to whom the faid certificates are to be directed as aforesaid, shall upon receiving and taking the said certificates, or Accomptant any of them, give credit to the persons named therein, in a general to book or books, in manner herein before directed, to be by him sive credit for provided and kept for that purpose, for the principal sums con-the principal tained in every such certificate; and the persons to whose credit certificates. fuch principal fums thall be entered in the faid book or books, h's, her, or their executors, administrators, successors, and at-

tigns,

iums, &c.

Affignments may be made of the faid

Certificates to be filed and notes to be given in lieu thereof.

A chief cafhier, and accountant general, to be appointed by the bank for paying the annuities.

Treasury to iffue money for that purpose to the faid cashier,

who is to account for the fame.

Accountant general to examine the recashier. Annuities ional estate,

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figns, shall and may have power to assign and transfer the same, or any part, share, or proportion thereof, to any other person or perions, bodies politick or corporate whatfoever, in other books to be prepared and kept by the faid accountant general for that purpole; and the principal sums so assigned or transferred, shall carry the faid annuity of three pounds per centum per annum, and shall be taken and deemed to be stock transferrable by virtue of this act, until the redemption thereof, in manner herein after mentioned; and the faid accountant general of the bank of England for the time being, is hereby authorized and directed to cancel and file the certificates, as they shall from time to time be received and taken in by him, and to give the persons bringcancelled, and ing the same, a note under his hand, testifying the principal money for which they have credit in the said book or books, by reason or means of the certificates so received, taken in, and cancelled, as aforesaid, and of the annuities attending the same.

LXVII. And, for the more easy and sure payment as well of said annuities after the rate of three pounds per centum per annum, as of the said annuities after the rate of three pounds per centum per annum; be it enacted by the authority aforesaid, That the said governor and company of the bank of England, and their fuccessors, shall, from time to time, until the said respective annuities shall be redeemed according to this act, appoint and employ one or more fufficient person or persons within their office in the city of London, to be the first or chief cashier or cashiers, and one other sufficient person in the said office to be their accountant general; and that so much of the monies by this act appropriated for this purpose, as shall be sufficient from time to time to answer the said several and respective annuities and other payments herein directed to be made out of the faid monies, thall, by order of the commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury, for the time being, without any further or other warrant to be fued for, had, or obtained, in that behalf, from time to time, at the respective days of payment in this act before appointed for payment thereof, to be iffued and paid at the receipt of his Majesty's exchequer, to the faid first or chief cashier or cashiers by way of imprest, and upon account, for the payment of the faid feveral and respective annuities payable by virtue of this act; and that all and every fuch cathier or cathiers, to whom the faid monics thall, from time to time, be iffeed, shall from time to time, without delay, pay the same accordingly, and render his or their accounts thereof, according to the due course of the exchequer.

LXVIII. And it is hereby also enacted, That the said accountant general for the time being, shall, from time to time, inceiptsand pay. spect and examine all receipts and payments of the said cashier ments of the or cashiers, and the vouchers relating thereunto, in order to prevent any fraud, negligence, or delay; and that all persons deemed a per- who shall be intitled to any of the said several and respective annuities, and all persons lawfully claiming under them, shall be

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possessed thereof as of a personal estate, and that the same shall &c. and to be not be descendable to the heir, and shall be free from all taxes, tax free. charges, and impositions whatsoever, and shall not be liable to any foreign attachment by the custom of London, or otherwise; any law, statute, or custom, to the contrary in any wise notstanding.

LXIX. And be it further enacted by the authority aforesaid, The 3 and That the said sum of four millions five hundred thousand half per centpounds, part of the said sum of five millions, shall be deemed annuities one capital or joint stock; and that all persons and corporations deemed a joint whatsoever, in proportion to the monies by them severally additions. whatsoever, in proportion to the monies by them severally advanced, for the purchase of the said annuities, after the rate of three pounds, ten shillings per centum per annum, or such other annuities to which they shall become intitled by virtue of this act, shall have and be deemed to have a proportional interest and share in the said stock, and in the annuities attending the same, at the rates aforesaid; and that the said whole capital or and made joint stock, or any share or interest therein, and the propor- transferrable. tional annuity attending the same, shall be assignable and trans-

ferrable as this act directs, and not otherwise.

LXX. And be it further enacted by the authority aforesaid, The 31. per That all the monies to which any person or persons shall become cent. annuities intitled by virtue of this act, in respect of any sum advanced to be made a or contributed towards the faid fum of five hundred thousand with annuities pounds, on which the faid annuities after the rate of three pounds of like value, per centum per annum, shall be attending, shall be added to the incorporated joint stock of annuities transferrable at the bank of England, in- byact25Geo. 2. to which the several sums carrying an interest at the rate of three pounds per centum per annum, were by an act made in the twenty fifth year of the reign of his present Majesty converted, and shall be deemed part of the said joint stock of annuities, subject nevertheless to a redemption by parliament, in such manner, and upon fuch notice, as is in the faid act directed, in respect of the feveral and respective annuities, redeemable by virtue of the faid act; and that all and every person or persons and corporations whatfoever, in proportion to the money to which he, she, or they shall become intitled as aforesaid, by virtue of this act, shall have and be deemed to have a proportional interest and thare in the faid joint stock of annuities, at the rate aforefaid.

LXXI. And be it further enacted by the authority aforesaid, Transfer That there shall be constantly kept by the accountant general books to be for the time being, books, wherein all affignments of the fums kept by the advanced or contributed towards the faid fum of four millions accountant five hundred thousand pounds, and also all affignments or general. transfers of all fums advanced and contributed towards the faid fum of five hundred thousand pounds, shall at all seafonable times be entered and registered; which entries shall be Method of conceived in proper words for that purpose, and shall be signed transferring by the parties making such assignments or transfers; or if such stock. parties be absent, by their respective attorney or attornies, thereunto lawfully authorized in writing under their hands and leals,

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to be attested by two or more credible witnesses, and the several persons to whom such transfers shall be made, do respectively underwrite their acceptance thereof; and that no other method of affigning and transferring the faid several annuities, or any part thereof, or any interest, shall be good or available in law.

viscable by will.

Entry to be made of fuch clause in the will. Transfer not duties.

Treasury to payall incident charges attending the execution of this act;

and to make an allowance to the cashier, and accountant general;

to be at the disposal of the governor and company of the bank.

Officers taking any fee or gratuity in the course of their butiness, forfeit 20 s.

LXXII. Provided always, That all perforts possessed of any Annuities de- share or interest in either of the said joint stocks of annuities, or any estate or interest therein, may devise the same by will in writing, attested by two or more credible witnesses, but that no payment shall be made upon any such devise till so much of the faid will as relates to the faid joint stocks of annuities, be entered in the said office; and in default of such transfer or devise, fuch share or interest in the said joint stock of annuities, shall go to the executors or administrators; and that no stamp duties liable to stamp what soever, shall be charged upon the said transfers, or any of them; any other law or statute to the contrary notwithstanding.

LXXIII. Provided always, and be it enacted by the authority aforesaid, That out of the monies arising from the contribution towards raising the said sum of five millions, the commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall have power to discharge all fuch incident charges as shall necessarily attend the execution of this act, in such manner as to them shall seem just and reasonable; and also to settle and appoint such allowances as they shall see just and reasonable, for the service, pains, and labour of the said cashier or cashiers, for receiving, paying, and accounting for the said contributions; and also shall have power to take out of the faid sinking fund such further allowances as they shall think just and reasonable, for the service, pains, and labour of the cashier or cashiers of the governor and company of the bank of England, for receiving, paying, and accounting for the several and respective annuities payable by virtue of this act, and also for the service, pains, and labour of the accountant general of the faid governor and company for performing the duty and trust incumbent on him by this act; all which allowances hereby impowered to be made as aforesaid, in respect to the service, pains, and labour of any officer or officers of the faid governor and company, shall be for the use and benefit of the said governor and company, and at their disposal only; any thing herein contained to the contrary notwithstanding.

LXXIV. And be it hereby enacted by the authority aforesaid, That no fee or gratuity shall be demanded or taken of any of his Majesty's subjects for receiving or paying the said contribution-monies, or any of them, or for any tallies or receipts concerning the same, or for issuing the monies for paying the said several annuities, or any of them; and that no fee or gratuity shall be demanded or taken for any transfer great or small, to be made in pursuance of this act, upon pain that the officer or person offending by taking or demanding any such see or gratui-



Anno tricesimo primo Georgii II. C. 22. 1758.

ty, contrary to this act, thall forfeit the sum of twenty pounds to the party grieved, to be recovered with full costs of fuit, in

any of his Majesty's courts of record at Westminster.

LXXV. Provided also, and it is hereby enacted by the au- The annuities thority aforesaid, That at any time after the expiration of twen- at 31. 10s per ty four years, to be computed from the fifth day of July, one deemable till thousand seven hundred and fifty eight, and not sooner, upon after the expifix months notice to be printed in the London Gazette, and af- ration of 24 fixed upon the Royal Exchange in London, by authority of par- years, &c. liament; and upon repayment by parliament of the whole principal sum of four millions five hundred thousand pounds, for which the faid annuities, after the rate of three pounds ten shillings per centum per annum, are payable to such respective persons or corporations as shall be intitled to the same annuities; or upon the like repayment by parliament of any part of the faid fum of four millions five hundred thousand pounds, so as such part of the fum so paid at any one time be not less than five hundred thousand pounds; and also upon full payment of all arrearages of the same annuities; then, and not till then, the said annuities shall cease and determine, and be understood to be redeemed; and that any vote or resolution of the house of commons, signified by the speaker in writing, to be inserted in the London Gazette, and affixed on the Royal Exchange in London as aforefaid, shall be deemed and adjudged to be sufficient notice within the words and meaning of this act.

LXXVI. Provided always, and it is hereby enacted by the Bank to conauthority aforesaid, That the said governor and company of the tinue a corpobank of England, and their fuccessors, notwithstanding the re- ration till these demption of all or any their own funds, in pursuance of the acts redeemed, &c. for establishing the same, or any of them, shall continue a corporation, till all the faid several annuities shall be redeemed by parliament, according to the provisors herein before contained in that behalf; and that the faid governor and company, or any member thereof, shall not incur any disability, for or by reason

of their doing any matter or thing in pursuance of this act. LXXVII. And whereas doubts may arise, whether the punishment inflicted in and by an act of parliament made and paffed in the eighth year of the reign of his late mujefly King George the First, intituled, An act to prevent the mischiefs by foreign powers, to transfer fuch stocks, or to receive such annuities or dividends as are therein mentioned; or by fraudulently personating the true owners thereof; and to rectify mistakes of the late managers for taking subscriptions for increasing the capital stock of the South Sea company, and in the instruments founded thereupon, en persons guilty of the several species of forgery, and other offences therein mentioned, extends to the commission of the like forgery and offences in relation to such capital flocks and funds as have been eftablished by the authority of parliament, since the passing of the said ast, and may be hereafter established; be it therefore enacted by the authority aforesaid, That if any person or persons whatsoever, from Penalty in the and after the first day of July, one thousand seven hundred recited act or Vol. XXII.

Act 8 Geo. 2.

and forging or counterfeiting

TI758. Anno tricelimo primo Georgii III. c. 22.

letters of at torney, in order to fell, or Eranster Hock in any of the funds, &c. or to receive any dividends or annuities thereon, &c. extended to this act, &c.

and fifty eight, shall forge or counterfeit, or procure to be forged or counterfeited, or knowingly and wilfully act or affift in the forging or counterfeiting any letter of attorney, or other authority or instrument, to transfer, assign, sell, or convey any share or thares, or any part of any thare or thares, of or in any tuch capital stock or funds of any body or bodies politick or corporate established, or which shall be established, by any act or acts of parliament; or to receive any dividend or dividends attending any share or shares, or any part of any share or shares, of, or in, any fuch capital stock or funds as aforesaid; or to receive any annuity or annuities, in respect whereof any proprietor or proprietors have or shall have any transferrable share or shares of or in any capital stock or stocks which now are, or hereafter thall be, established by any act or acts of parliament, in proportion to their respective annuities; or shall forge or counterfeit, or procure to be forged or counterfeited, or knowingly and wilfully act or affift in the forging or counterfeiting any the name or names of any the proprietors of any fuch share or shares in stock, or of any the persons intitled to any such annuity or annuities, dividend or dividends, as aforefaid, in or to any fuch pretended letter of attorney, instrument, or authority; or shall knowingly or fraudulently demand, or endeavour to have, any fuch share or thares in stock, or any part thereof, transferred, assigned, fold, or conveyed, or such annuity or annuities, dividend or dividends, or any part thereof, to be received by virtue of any fuch counterfeit or forged letter of attorney, authority or instrument; or shall falsely and deceitfully personate any true and real proprietors of the faid shares in stock annuities and dividends, or any of them, or any part thereof, and thereby transferring or endeavouring to transfer the stock, or receiving or endeavouring to receive the money, of such true and lawful proprietor, as if such offender were the true and lawful owner thereof; then, and in every or any fuch case, all and every such person and persons, being thereof lawfully convicted in due form of law, thall be deemed guilty of felony, and fuffer death as a felon, without benefit of clergy.

Penalty in the act of 2 Geo. 2.

of forging or publishing any deed, will, obligation, acquittance, &cc with inany corporato this act.

LXXVIII. And whereas doubts may arise whether the punishment inflicted in and by an act of parliament made and passed in the second year of the reign of his present Majesty, intituled, An act for the more effectual preventing and further punishment of forgery, perjury, and subornation of perjury; and to make it felony to steal bonds, notes, or other securities for payment of money, on persons guilty of the several species of forgery therein mentioned, extends to the commission of the like forgeries with an intention to defraud any corporation: be it therefore enacted by the authority aforelaid, I hat it any person from and after the first day of July, one thousand seven hundred and fifty eight, shall falsely make, forge, or counterfeit, or cause or procure to be falsly made, forged, or counterfeited, or willingly act or affift in the falle making, forgtentrodefraud ing, or counterfeiting, any deed, will, testament, bond, writing, tion, extended obligatory bill of exchange, promissory note for payment of money,

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indorsement or affigument of any bill of exchange, or promissory note for payment of money, or any acquittance or receipt either for money or goods, with an intention to defraud any corporation whatsoever; or shall utter or publish as true, any false, forged, or counterfeited deed, will, testament, bond, writing, obligatory bill of exchange, promissory note for payment of money, indorfement, or affigment of any bill of exchange, or promissory note for payment of money, acquitrance or receipt either for money or goods, with intention to defraud any corporation, knowing the same to be false, forged, or counterfeited; then every fuch person, being thereof lawfully convicted according to the due course of law, shall be deemed guilty of felony, and suffer death as a felon, without benefit of clergy.

LXXIX. And it is hereby enacted by the authority aforesaid, Limitation of That if any person or persons shall, at any time or times, be actions. fued or profecuted for any thing by him or them done or executed in pursuance of this act, or of any matter or thing in this act contained, such person or persons shall and may plead the general issue, and give the special matter in evidence for his or General issue, their defence; and if upon trial a verdict thall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become Treble costs. nonfuited, then fuch defendant or defendants shall have treble costs to him or them awarded against such plaintiff or plaintiffs.

CAP. XXIII.

An act for the more easy and speedy recovery of small debts within the western division of the hundred of Brixton, in the county of Surry.

CAP. XXIV.

An act for the more easy and speedy recovery of small debts within the borough of Great Yarmouth, and the liberties thereof.

CAP. XXV.

An att for establishing a free market for the sale of corn and grain, within the city or liberty of Westminster.

WHEREAS the establishing a free market for the sale of corn and grain, within the city or liberty of Westminster, would be very advantageous to the inhabitants of the faid city and liberty, as well as the adjacent parts, but such market cannot be established without the aid of parliament: may it therefore please your Majesty, that it may be enasted; and he it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament affembled, and by the authority of the same, That there shall A free market be a free and open market held within the city or liberty of IVit- for fale of minster, for all forts of corn and grain whatsoever; and that it corn and shall and may be lawful for any person or persons to buy or sell held in Westany fort of corn and grain, feed, malt, meal, and flour, in the mintter. faid market, without any disturbance or molestation what oever, nevertheless yielding and paying such sums as are herein after mentioned. U 2

II. And

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Truffees mames.

II. A.i.l to end the faid intended market may be erected, established, and maintained, under such rules and regulations, as are by this att berein after directed and prescribed; be it further enacted by the authority aforefaid, That the honourable major general Edivard Cornwallis, Sir John Croffe baronet, and the representatives in parliament for the city of Westminster for the time being; Sir William Beauchamp Proctor baronet, George Cooke esquire, and the representatives in parliament for the county of Middlesex for the time being; the honourable Charles Cavendish esquire, commonly called lord Charles Cavendish; the right honourable lord Carpenter in the kingdom of Ireland, Sir Richard Grofvenor.

Sir Matthew Lambe baronets; George Onflow, John Wilkes, John Little, Nathaniel Curzon, Samuel Thresher, John Olmius, John Goodchild, John Drummond, Edward Byron, John Pudsey, Saunders Weich, Clutterbuck, John Walsh, Henry Col-

lett, Thomas Gilpin, esquires; John Wright coachmaker, Giffard, John Machin timber merchant, diffiller, Thomas Chamberlain pewterer, Kemp Bridges laceman.

Morris woollen draper, Thomas Bedwell ironmonger, Samuel Peirson, Nicholas Spencer, Roger Jackson, Richard Lane, Thomas Brooke, and Nathaniel Bever, gentlemen; shall, from and immediately after the passing of this act, be, and they are hereby appointed trustees for putting this act in execution.

III. And be it further enacted by the authority aforesaid, powered to set That it shall and may be lawful to and for the said trustees, or any five or more of them, or any person or persons authorized chase ground, by them, to fet out ground proper for holding the faid market at iome convenient place within the faid city or liberty; and also to purchase such ground, together with any buildings erected thereupon, or upon any part thereof, and all or any estate, term, or interest, sublisting therein, and to convert the faid ground into a market; in trust nevertheless, to and for the several uses, intents, and purposes, as are herein after declared concerning the same.

Bodies pohtick, guardians truffees, and other perfons interested in fuch grounds, &c. the lame for the purpose aioi claid.

Trustees im-

out and pur-

&c. for the

fite of the

market.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for all persons whatsoever, bodies politick, corporate, or collegiate, corporations aggregate or fole, femes covert who are or shall be seised or interested in their own right, trustees and seoffees in trust, guardians and committees for lunaticks and ideots, executors, adminiimpowered to strators, and guardians whatsoever, not only in behalf of themfell and convey selves, their heirs and successors, but also for and in behalf of their cestuique trusts, whether infants or issue unborn, lunaticks, ideots, femes covert, or other persons whatsoever, who are or shall be seised or possessed of, or interested in, any lands, meifuages, or tenements, which shall be within the bounds and limits to to be fet out by the faid truflees, as aforefaid, or any five or more of them, for the holding the faid market thereon, to contract for, fell, convey, or furrender to the faid trustees, or any five or more of them, or to any perion or perions they thall appoint in trust for them, all or any such messuages, lands, te-



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nements, or hereditaments, or any part thereof, or any terms for years, or any estate or interest therein; and that all such such sale, and contracts, agreements, bargains, sale, assignments, surrenders, conveyance, and other conveyances, which shall be so made as aforesaid, deemed good shall be good and valid in law to all intents and purposes what- in law. soever, not only to convey the estate and interest of the person or persons conveying, but also all right, estate, interest, use, property, claim, and demand whatfoever, of their feveral and respective cestuique trusts, whether infants or issue unborn, lunaticks, ideots, femes covert, or other persons whatsoever, and ail perions claiming, or to claim, by, from, or under them; any law, statute, or usage, to the contrary thereof in any wife

notwithstanding.

V. Provided always, and be it enacted by the authority afore- Where such faid, That all and every fum and fums of money which shall be lands, &c. paid by the faid trustees, for the purchase of such messuages, shall beheld in lands, tenements, and hereditaments, or any estate therein, to trust, the moany person or persons whatsoever, bodies politick, corporate, or newistobelaid collegiate, corporations aggregate or fole, femes covert, trustees chases of other or feoffees in trust, guardians or committees for lunaticks or lands, &c. of ideots, executors, administrators, or guardians whatsoever, ei- equal value, to ther as aforesaid, or in manner herein after directed, shall be laid applied to like out again in the purchase of other messuages, lands, tenements, uses as declaror hereditaments, or of fuch estate therein, as the vender or vend- ed in such ers had in the premisses, from the sale of which the said purchase trusts. money arose; and the messuages, lands, tenements, hereditaments, or other premisses, which shall be purchased with the faid money, shall be settled, conveyed, and assured, to the same uses, and stand charged with, and be liable to, the same charge or charges, as the messuages, lands, tenements, or hereditaments, from the fale of which the purchase money shall arise, were liable to, and chargeable with, before the same were so sold to the faid truffees.

VI. And be it further enacted by the authority aforesaid, If the parties That if it shall happen that any person or persons, bodies politick interested shall corporate or collegiate, or other perion or perions whatloever, refule to treat, who are hereby enabled to convey as aforefaid, shall refuse to treat and agree with the faid trustees, or to convey as aforesaid, then, and in such case, it shall and may be lawful to and for the faid trustees, or any five or more of them, to iffue out Trustees are to a warrant or warrants, precept or precepts, to the high bailiff of iffue their war-Westminster (who is hereby authorized and directed to obey the rant to the fame) to impanel and return a competent number of substan- impanel and tial and difinterested persons qualified to serve on juries, not less return a jury; than forty eight, nor more than seventy two; and out of such persons so to be impannelled, summoned, and returned, a jury of twelve persons shall be drawn by the said trustees, or any five or more of them, or some person to be by them, or any five or who are to be more of them, appointed, in such manner as juries for the trial drawn as juries of issues joined in his Majesty's courts at Westminster, by an act of issues joinmade in the third year of the reign of his prefent Majesty (in-ed. by act of

tituled, 3 Geo. 2. are

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challenged.

Truftees may fummon and examine witdences and documents of the estates to be produced.

Jury to view the place in question, and affess the damage and recompence on oath-

Trustees to give judgeon; which is to be final and binding.

Notice of the jury to be given to the party in possession, Sec.

or, if untenanted, to be published in the Gazette.

tituled, An all for the better regulation of juries) are drawn; which persons so to be impanelled, summoned, and returned, are hereby required to come and appear before the faid truftees, or any five or more of them, at such time and place as in such warrant or warrants, precept or precepts, shall be directed and appoint-Jurors may be ed; and all parties concerned thall and may have their lawful challenges against any of the said jurymen; and the said trustees, or any five or more of them, are hereby authorized and impowered by warrant or warrants under their hands and feals, from time to time, as occasion shall require, to call before them all and every person or persons what soever, who shall be thought proper and necessary to be examined as witnesses before them, touching or concerning the premities, and to require any person or perfons who shall have any books, papers, deeds, or writings, which neffeson oath; may tend to discover the value of the premisses, or the title or and order evi- titles of the persons claiming any estate or interest therein, to produce the same to the said trustees, or any five or more of them, or such person or persons as they shall appoint to inspect the fame; and the faid trustees, or any five or more of them, shall, and are hereby impowered to administer oaths, as well to the parties concerned, as to others, for the discovery of the truth of the value of the premisses, or of the title of the person or persons claiming any estate or interest in the premisses; and shall and may authorize the faid jury to view the place or places, or matters in question, in case the said trustees, or any five or more of them, shall think fit so to do; and the said jury upon their oaths (which oaths thall also be administered by the said trustees, or any five or more of them) shall inquire of, and affels such damages and recompence, as they shall judge fit to be awarded to the owners and occupiers of fuch houses, ground, or other estate or interest, or either of them, for their respective estates and interests therein, and which the said trustees shall adjudge necesfary to be purchased for the purpose aforesaid; and the said trustees, or any five or more of them, assembled together, shall and ment thereup- may give judgment for such sum or sums so affested by such jury or juries respectively; which said verdict or verdicts, and the judgment, decree, or determination, thereupon declared and pronounced by the faid truftees, or any five or more of them, affembled together; and the value and recompence so to be affessed and declared (notice in writing being first given of the meeting of the time and place and intent of the meeting of the faid trustees, at least twenty days before such meeting, to any person who is in possession of any citate or interest, then to be valued and asfeffed; or in case such person or persons cannot be found to be personally served therewith, such notice being left at the dwelling-house or usual place of abode of such person or persons so interested as aforesaid, or with some tenant or occupier of the meffuages, lands, tenements, or premisses, so to be valued and affeffed, or any of them, or if wholly untenanted, then publication thereof being made in the London Gazette) (hall be binding and conclusive to all intents and purposes whatsoever, against all



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and every person or persons whatsoever, bodies politic or corporate, claiming any right, title, trust, or interest, in, to, or out of, the said houses, grounds, tenements, and premisses, to be affected by this act, either in possession, reversion, remainder, or expectancy, as well infants, lunaticks, ideots, femes covert, tenants in tail, tenants for life, terms of years, or at will, his, her, and their heirs, successors, executors, and administrators; and the said verdicts, judgments, orders, and other proceedings of the faid Verdict, and trustees, or any five or more of them, which concern such lands, judgment tenements, and hereditaments, shall be transmitted to, and en-thereupon, to tered or docquetted in, the register's office for the county of be transmitted. Middlesex, and shall be deemed and taken to be records to all ed in, the reintents and purposes whatsoever; and all persons may have re- gitter's office. course to the same gratis, and take copies thereof, paying for the Recourse may copies a sum not exceeding six pence for every two hundred and copies words; and so proportionably for any greater number of worls. taken thereof.

VII. And it is hereby further enacted and declared, That up- Upon payment on payment of fuch fum or fums of money fo to be adjudged for the of the fum afpurchase of the premisses, or any part thereof, the person or sessed, conveypersons intitled thereto shall make and execute, or procure to be ance to be made and executed, good, valid, and legal conveyances, affign- made and exements, and affurances in the law, to the faid trustees and their cuted of the fuccessors, of the said premisses, for which such sum or sums of premisses. money were so awarded, and shall do all such acts, matters and things necessary or requisite to make a good, real, and perfect title thereto; and such conveyances, assignments, and assurances, Where a title shall contain all such reasonable and usual covenants as shall, on the contain all such reasonable and usual covenants as shall, on vinced, or shall be held of the said trustees and their successors, he required and vinced, or shall behalf of the faid trustees and their successors, be required; and he retused to in case any person or persons to whom such money shall be a- be made, warded as aforesaid, shall not evince a title to the said premisses to the faid trustees, and make, or procure to be made, good and legal conveyances thereof, or shall refuse so to do, being thereunto required, such sum and sums of money so awarded as aforesaid, being ready to be paid to him, her or them, on making such title, and tendered for that purpose; or in case any or the proprieperson or persons intitled to the premisses for which sum or sums tor cannot be of money shall be so awarded as aforesaid, cannot be found found; within the city or liberty of Westminster or county of Middlesex; or in case that by reason of disputes depending in any court of or it shall be law or equity, or for defect of evidence, it shall not appear to the doubtful who faid trustees, or any five or more of them, what person or persons is the right is or are intitled to the premisses in question, that then, and in all and every or any fuch case and cases as aforesaid, it shall and may be lawful to and for the faid trustees, or any five or more of them, to order such sum or sums of money so awarded as aforesaid, as the value of and purchase money for the said pre- the trustees misses, to be paid into the bank of England for the use of the par- are to lodge ties interested in the said premisses, to be paid to them, and each payable to the and every of them, according to their respective estates and in-premises, in terfts in the faid premiffes, at fuch times as the faid trustees, or the bank; any five or more of them, shall, by warrant or warrants under

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money,

and to be the regulter's office;

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their hands, order and direct; and the cashier and cashiers of the bank of England, who shall receive such sum and sums, is receipt to be and are hereby required to give a receipt or receipts for such sum given for the and fums mentioning and specifying for what premisses, and for whose use the same is or are received, to such person or persons as shall pay such sum or sums into the bank of England as aforefaid; which receipt or receipts shall be transmitted to, and entransmittedto, tered or docquetted in the register's office of the county of Midand entered in, dlesex, in manner aforesaid, and shall be deemed and taken to be records to all intents and purpoles what loever; and immediately on such payment and registry all the estate, right, title, use, atterwhich, all trutt, property, equity of redemption, claim and demand in law

and equity, of all and every person and persons for whose use fuch money was paid, of, in, to, from, and out of the faid premisses, or any part thereof, shall vest in the said trustees and their fucceffors, and they the faid trustees, and their successors, shall be deemed in law to be in the actual possession thereof, and to be seized thereof in fee-simple, freed and discharged from all claims, demands, and equity of redemption either at law or in equity, to all intents and purposes, as fully and effectually, as if all and every person and persons, having any estate, right, title, trust, interest, or equity of redemption, of, in, to, from, or out of the faid premisses, had actually conveyed the same by lease and release, bargain and sale, inrolled feoffment, with livery of feifin, fine and recovery, or any other conveyance whatfoever; and fuch payment shall not only bar all right, title, interest, equity of redemption, claim, and demand, of the person or persons to whose use such payment was made; but also shall extend to and be deemed and construed to bar the dower and dowers of the wife or wives of fuch person or perfons, and all estates tail, and remainders, as fully and effectually as a fine or recovery would do, or would have done, if levied or fuffered by proper parties in due form of law.

Afterpayment VIII. And be it further enacted by the authority aforefaid, That from and immediately after payment made for the lands and hereditaments so to be purchased as aforesaid, it shall and may be lawful for the faid trustees and their successors to enter upon the premisses so purchased, and every part thereof, and to convert the same to be used as a free market as afore-

for the purpoles of this act

of the pur-

chase money,

truitees may enter on the

premifies, and

convert the

same into a

market.

and build fireds and flands in the market;

IX. And, for raising a sum of money sufficient for the payment of the purchase of such lands and bereditaments, and other the pur-Trustees may poses of this ast; be it further enacted by the authority aforesaid, borrow money That it shall and may be lawful to and for the said trustees, or any nine or more of them, and they are hereby authorized and impowered to raife, borrow, take, and receive, of and from any person or persons whomsoever, or any body or bodies corporate or politick whatfoever, who are willing to lend and advance the fame, any fum or fums of money not exceeding in the whole the fum of three thousand pounds for the payment of such purchase money, and for other the purposes of this act; and to set up and build upon such lands so to be purchased, all such sheds,



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stands, stalls, and other erections, as shall be found necessary for constituting the said market; or in case it shall be found to or let the be more convenient and beneficial to let out fuch ground upon a ground on a building leafe or leafes for the purposes aforesaid, it shall and building leafe. may be lawful for the faid trustees, or any nine or more of them, and they are hereby authorized and impowered to fet and let out fuch ground for the best rent that can be gotten for the same, payable quarterly, or otherwise, upon a lease or leases, for any term or terms not exceeding fixty one years, to any person or persons who shall be willing to contract for and take the same, with proper covenants binding him or them to build and fet up all necessary erections thereupon for coverting the same into a market as aforefaid.

X. Provided always, and it is hereby declared, That no mo- tice to be ney shall be borrowed on the credit of this act by the said tru- given in the stees, unless notice in the London Gazette shall be first given there- Gazettebefore of at least twenty days before the borrowing of such money.

XI. And, for discharging the debt to be incurred as aforesaid, be money. it further enacted by the authority aforesaid, That it shall and advanced for may be lawful to and for any person or persons to contribute, the purchase advance, and pay into the hands of the faid trustees, or any five of life annuior more of them, or their treasurer for the time being, any fum ties, or fums of money not exceeding in the whole, the fum of three thousand pounds, for the absolute purchase of one or more annuity or annuities, to be paid and payable during the full term of the natural life of such contributor or contributors respectively, or the natural life of such other person or persons as shall be nominated by and on the behalf of such respective contributor or contributors, at the time of payment of his or their respective contribution monies; which annuity or annuities shall not ex- after the rate ceed the rate of eight pounds per centum per annum, for every of 81 per one hundred pounds, and so in proportion for any greater or cent. per less sum to be advanced and paid as aforesaid; all which annuities so to be purchased, shall not exceed in the whole, the sum of two hundred and forty pounds per annum, and shall be payable and paid by the faid trustees, or any five or more of them, in such place within the said city or liberty of Westminster, as they, or any five or more of them, shall for that purpose appoint, by quarterly payments, the first payment to begin and be and to be paid made, to the respective purchaser or purchasers, and his or their quarterly. assigns, at the expiration of three months after payment of their Annuities to respective purchase monies; which annuities shall be publickly be sold to the fold by the faid trustees, to the best bidder for the same.

XII. And it is hereby enacted, That there shall be provided Names and by the said trustees, and kept in such place within the said city abode of the or liberty of Westminster, as they, or any five or more of them, purchasers, the sums when shall appoint, a book or books in which shall be fairly written and by whom in words at length, the names and furnames, with the proper paid, &c. to additions and places of abode, of all fuch persons who shall be be enter'd in proprietors of any of the annuities aforefaid, and of all perfons proper books by whose hands the said purchasers shall pay in any sum or sums

Previous nothe borrowing

best bidder.

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to which rehad gratis.

of money upon the credit of this act, and also the sum so paid for the purchase of such annuities, and the respective days of payment thereof; to which book and books, it shall be lawful course may be for the said respective purchasers, and their assigns, and to and for any other person or persons, at all seasonable times, to have recourse to and inspect the same, without see or reward.

Annuities enfured to the purchalers,

XIII. And it is hereby further enacted, That all and every the contributor and contributors upon the credit of this act, duly paying the confideration or purchase-money at the rate aforesaid, for any such annuity or annuities as aforesaid, or such person or persons as he, she, or they, shall appoint, his, her, or their respective assigns, shall have, receive, and enjoy the respective annuity or annuities so to be purchased, during the term

and to be tax tree.

Receipts to be given to contributors for the money paid in by them;

and uponcompleating their payments, an order is to be vellum or parchment, figned by the trultees, for payment of their annui-

be alligned.

Entry to be

of the natural life of the person to be nominated by each such purchaser or contributor, as above mentioned; and that all and every such purchaser and purchasers, and their assigns respectively, thall have good, fure, absolute, and indefeazable estates and interest in the annuities so by them respectively to be purchased, according to the tenor and true meaning of this act; and that none of the faid annuities thall be subject or liable to any tax affelled upon land by authority of parliament; and that every contributor upon the credit of this act for the purchase of any fuch annuity or annuities as aforefaid, his, her, or their affigns, upon payment of the confideration or purchase-money for the same, at the rate aforesaid, or any part or proportion thereof, into the hands of the faid trustees, or any five or more of them, or their treasurer for the time being, shall have one or more receipt or receipts, importing the receipt of fo much purchale-money as shall be so paid; and upon payment of all the purchale-money for any such annuity or annuities, every such contributor, his, her, or their affigns respectively, shall have an given them on order on parchment or vellum for payment of the faid annuity or annuities, for and during the natural life of fuch person as shall be nominated by such contributor or purchaser, as aforefaid; which order shall be figned by the said trustees, or any five or more of them, and after figning thereof, the same shall be firm, good, valid, and effectual, in the law, according to the purport and meaning thereof, and of this act. XIV. And be it further enacted by the authority aforesaid,

Annuitiesmay That it shall and may be lawful to and for any purchaser or purchasers of any such annuity or annuities as aforesaid, and his, her, and their executors, administrators, or assigns, at any time or times, by writing under his, her, or their hands and feals (without any stamp thereupon) to assign such annuity or annuities, or any part thereof, or any interest therein, to any person or persons whatsoever, and so toties quoties; and a memade thereof. morandum or entry of all fuch affignments, ihall be made in a book, which is hereby required to be kept for that purpose at the charge of the said trustees, as aforesaid; which entry or memorandum, thall be made gratic.

Annuities charged upon XV. And be it further enacted by the authority aforefaid,

That

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That all and every the annuities so to be purchased under and the rents and by virtue of this act, shall be, and are hereby charged upon, and profits of the shall be paid and payable from time to time, upon all monies arising by the rents and profits of the sheds, stalls, stands, and all other buildings and erections, to be fet up in and upon the ground to be fet out and appointed for the scite of the said market, and all other the profits whatfoever, ariting or accruing by or from the faid market, to the faid trustees, and their succeffors.

XVI. And be it further enacted by the authority aforesaid, The grounds, That all the lands, tenements, and hereditaments, to be purbuildings, chased by virtue and under the authority of this act, for the rents and proscite of the said market as aforesaid, and all sheds, stalls, stands, fits of the and other erections to be built or fet up thereupon, and the market, vested rents and profits arifing from the same, shall be and are hereby in the trustees, vested in the said trustees, and their successors, for ever; and and trusts that they shall stand seized thereof in trust, for the several uses, herein declaintents, and purposes, herein after mentioned and declared, con-red. cerning the same; that is to say, The said trustees, and their fuccesfors, or any five or more of them, shall, out of the first monies to be borrowed or arising by granting of leases, or the fale of annuities, as aforesaid, or by any other ways and means under the authority of this act, pay and discharge the reasonable expences of obtaining and passing this act of parliament; and shall in the next place pay off and discharge all debts that shall be incurred by the purchase of the ground whereon the said market shall or may be erected, and fuch charges and expences as shall necessarily attend the erecting and constituting the same; and the rents, produce, and profits, arising thereby, shall be applied in paying the annuity or annuities to be granted to fuch purchaser or purchasers, as aforesaid, so long as any of them shall live; and all such savings as shall from time to time be made by the death of any fuch annuitants, shall, after the difcharge of all debts accrued for effecting the purposes of this act, be appropriated in manner herein after mentioned.

XVII. And be it further enacted by the authority aforesaid, Tolls to be That there shall be paid to the said trustees, or such other per- paid for corn fon or persons as the said trustees, or any five or more of them, sold in the market. shall, from time to time, appoint to receive the same, the following fums, by all and every person and persons selling any fort of corn or grain, seed, malt, meal, or flour, in the said

market; that is to lay,

One penny for every fack of corn, grain, malt, meal, or The tolls; flour; and,

One half-penny for every bushel of feed.

Which said several sums shall, and they are hereby declared to they are vested be vested in the said trustees, and their successors; and the same, in the trustee and every part thereof, shall be paid, applied, and disposed of, poses of this and affigned to and for the feveral uses, intents, and purposes, act;

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and may be levied by dif-

trefs and fale.

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and in such manner, as by this act is directed; and it shall and may be lawful to and for the faid trustees, or any five or more of them, or such person or persons as they, or any five or more of them, under their hands and scals, shall, at a general meeting, nominate and appoint, to demand and take the fums hereby granted and made payable; and to levy the fame upon any person or persons, who shall, after demand thereof made, neglect or refuse to pay such sums, as aforesaid, by distress of any goods or chattels belonging to the person or persons who by this act are made liable to the payment of the fame, and to keep fuch goods and chattels fo distrained, until such sums, with the reasonable charges of such distress, shall be paid; and such perfon or persons so distraining, after the space of three days after fuch diffress made and taken, shall and may fell the goods or chattels so distrained, returning the overplus (if any be) upon demand, to the owner thereof, after fuch fums, and the reasonable charges for distraining, keeping, and selling the same, shall

be deducted and paid.

Truffees to make regulations for the government and appoint collectors, trealurers, and other officers,

with falaries, acc.

trealurers to monthly, or quired;

XVIII. And be it further enacted by the authority aforesaid, That the faid trustees, or any nine or more of them, shall and may, at the first or any succeeding general meeting, by writing of the market; under their hands and feals, make rules and regulations for the government of the said market; and shall and may chuse and appoint one or more fit person or persons to be collector or collectors of the sums aforesaid, and thall also appoint one or more treasurer or treasurers, and all other necessary officers as to them shall appear proper, for the better execution of the powers contained in this act, allowing to fuch perfon or perfons so by them appointed, such salaries or other rewards for their trouble, as to the faid trustees, or any nine or more of them, shall appear just and reasonable; and the said trustees, or any nine or more of them, shall and they are hereby impowered, to remove or difplace such treasurer or treasurers, collector or collectors, or other person or persons whatsoever, so by them from time to time ap-Collectors and pointed, and to place others in their stead; and the person or persons so appointed to collect and receive the said sum or sums, account to the and also such treasurer or treasurers so appointed as aforesaid, shall, before the said trustees, or any five or more of them, upoftener, if re- on the first Monday in every month, or oftener, if thereunto required by the faid trustees as aforesaid, give in a true, exact, and perfect account in writing, under their respective hands, of all the monies which he or they, and every or any of them, thall to fuch time have received, paid, and dilburied, by virtue of this act, by reason of their respective offices, and produce vouchers for the same, and shall pay over the balance to such person or persons as the said trustees, or any five or more of them, shall at fuch meeting direct; and in case such treasurer or treasurers, collector or collectors, shall refuse to give in such account, or to under pain of pay such balance as aforesaid, as often as required by the said commitment, trustees, or any five or more of them, at a general meeting, such person or persons so refusing shall be committed to the common



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gaol of the faid city and liberty of Westminster, by warrant under the hand and feal of any one of his Majesty's justices of the peace for the faid city and liberty, upon application made to him by any two of the faid trustees, there to remain without bail or mainprize, until he or they shall make or render in, a true, exact, and perfect account, of their receipts and difbursements, by virtue of this act, and shall have produced and delivered up all vouchers relating thereto, and shall have likewise paid over till payment or the money due on such account, to such person or persons as composition the faid truftees, or any five or more of them, shall direct and be made. appoint to receive the same, or shall have made such composition as the faid trustees, or any five or more of them, shall approve; which composition the said trustees, or any five or more of them, are hereby impowered to make and accept.

XIX. And be it further enacted by the authority aforefaid, Treasurer to That the faid trustees, or any five or more of them, are hereby give security. authorized and required, to take such security from the treasurer

or treasurers to be appointed for the purposes of this act, for the due execution of his and their faid office and offices, as to the faid truftees, or any five or more of them, shall seem meet.

XX. And be it further enacted by the authority aforesaid, Trustees to That the faid trustees, or any five or more of them, shall yearly render an acand every year, within fix weeks next after the twenty fifth day countannualof December, make and deliver in to the justices of the peace for ly to the justi-the said city and liberty of Westminster, at the general quarter ceipts and disfessions, or any adjournment thereof assembled, a just, true, and bursements. perfect account in writing, fairly entered in a book or books to be kept for that purpose, and signed by the said trustees, or any five or more of them, of all and every fum and fums of money, which they shall know to have been received or disbursed under the authority of this act, during the preceding year, with the balance (if any) remaining in the hands of the faid trustees; and Account to be fuch accounts shall be kept by the clerk of the said sessions a- kept amongst mong the records thereof, to be inspected by any person or per- the records of fons defiring the same, upon payment of one shilling to the faid the sessions; clerk; and if any furplus of the faid fums, shall remain in the and the furhands of the said trustees, the same is hereby appropriated to, plus monies and shall be applied, yearly and every year, by them, within to be paid twelve months next after the delivering of fuch accounts to the benefit of the faid justices as aforesaid, to the treasurer for the time being of Westminster Westminster Infirmary. for the benefit of the faid charity.

XXI. And be it further enacted by the authority aforefaid, Corn, &c. That it shall and may be lawful to and for any corn chandler, bought by the or other person or persons whatsoever, who thall buy any corn corn chandor grain, feed, malt, meal, or flour, in the faid market, to fell lers in the the same again in any other place or places within the said city market, may or liberty of Highminster, or eliewhere, without any let or dif- by them in turbance from any person or persons whatsoever for so doing; any other any law or statute to the contrary thereof in any wife notwith- place within standing.

XXII. And whereas by an all passed in the twenty second year of Clause in act his 22 Geo. 2.

the city and

If the scite of

the fifh mar-

ket thall be convenient for

holding the

corn market

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his Majesty's reign, intituled, An act for making a free market for the sale of fish, in the city of Westminster; and for preventing the forestalling and monopolizing of fish, and for allowing the sale of fish under the dimensions mentioned in a clause contained in an act of the first year of his late Majesty's reign, in case the same are taken with a hook, the commissioners for building a bridge cross the river Thames, from the New Palace Yard, in the city of Westminster, to the opposite shore in the county of Surry, were impowered to make a grant to the trustees appointed by the said all of the twenty second year of his Majesty's reign, of a piece of ground near Common Row, in the faid city of Westminster, which was conveniently situated for holding the said intended market, which grant has been since made for the purposes of the said act: and whereas the said piece of ground may be found convenient for holding the said corn market, in common with the Said fish market; be it therefore enacted by the authority aforesaid, That in case the trustees herein before appointed by this act, or any nine or more of them, shall find the said piece of ground to be proper and convenient for holding the faid market for the fale of corn and grain, that then it shall and may be lawful to and for the trustees, appointed to put the said act of the twenty second year of his Majesty's reign in execution, or any five or more of them, to contract and agree with the trustees for putting this act in execution, to perare impowered mit and suffer the said piece of ground to be used as a free and open market for all forts of corn and grain, feed, malt, meal, and flour whatsoever, in common with the said market for the sale of fish; and the said trustees appointed by the said act of the twenty second year of his present Majesty's reign, are hereby authorized and impowered, in case such agreement shall take place, to use and apply the said piece of ground for the holding of a market for all forts of corn and grain, feed, malt, meal, and flour, in common with the faid market for the fale of fish; anything in the faid act of the twenty fecond year of his prefent Majesty, or any other act contained to the contrary notwith-Itanding.

If fuch agreement take place, the powers vefted in the truffees act, are to

XXIII. Provided always, in case such agreement shall take place, that then from and immediately after the execution thereof, all the powers and authorities vested by this act in the trustees herein named, thall cease and determine; and that then named in this and from thenceforth, the truftees appointed to put in execution the said act of the twenty second year of his present Majesty, cease; and are shall be, and they are hereby declared to be, trustees for putting flees named in this act in execution, and shall be, and are hereby declared to the recited act; be, invested with all and every the powers and authorities in this act contained, in as full and ample manner, to all intents and purposes as if they had been originally nominated and appointed as trustees for putting this act in execution.

and the leffees

XXIV. And be it further enacted by the authority aforesaid, of the premis- That it shall and may be lawful to and for the said trustees apimpowered by pointed to put the faid act of the twenty second year of his prethem, to per. fent Majesty's reign in execution, or any five or more of them,

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in case such agreement shall take place as aforesaid, to impower mit the houthe lessee or lessees of the said premisses for the time being, his, les, &c. thereher, or their executors, administrators, or assigns, to permit or in, to be used fuffer any person or persons whatsoever, to inhabit, dwell in, or poses of buyoccupy, any messuage, dwelling-house, shop, or other building ing and selling whatsoever, which shall be erected or built, in or upon any part corn. of the said premisses, for the exercising or carrying on therein, any occupation, trade, or business, which shall relate to the buying or felling of corn and grain, feed, malt, meal, and flour; any law or statute to the contrary not withstanding.

XXV. Provided always, and be it further enacted by the au- Trustees may thority aforesaid, That it shall and may be lawful to and for the suspend the said trustees, or any nine or more of them, if they shall think fit, payment of to fuffer corn and grain, feed, malt, meal, and flour, to be fold for the tolls for any time not exceeding the space of three years from the opening of the faid market, without the payment of any toll; and and may also also to reduce or lessen the toll, from time to time, as to them, reduce the or any nine or more of them, at a publick meeting assembled, same. shall appear reasonable (notice of which meeting shall be given in the London Gazette, one week at least before such meeting) any thing in this act contained to the contrary notwithstanding.

XXVI. Provided always, and be it further enacted and de- Trustees difaclared, That no person or persons appointed or to be appointed bled from by this act a trustee or trustees for putting the same in execution, holding any shall have or accept of any place of profit, arising out of or by place of profit reason of any sums by this act laid or granted, but such person under this act. or persons shall be incapable of acting as a trustee or trustees, from the time of his accepting, and during the enjoyment of such place of profit as aforefaid.

XXVII. And, for continuing a sufficient number of trustees, for putting this act in execution; be it further enacted by the Election of authority aforesaid, That when and as often as any trustee or new trustees. trustees, shall die, or by writing under his or their hand refuse to act, it shall and may be lawful for such of the said trustees as shall survive or remain, or any nine or more of them, at any general meeting, by any writing or writings under their hands and seals, to elect, nominate, and appoint, one or more fit perfon or persons, in the room or place of such trustees or trustees fo dying or refusing to act as aforesaid; and such person or perfons so elected, nominated, or appointed, shall be joined with fuch furviving or remaining trustees, in the execution of all and every the powers in them reposed by virtue of this act.

XXVIII. And be it further enacted by the authority aforefaid, First meeting That the first meeting of the said trustees, shall be on the first of the tru-Tuesday in July, one thousand seven hundred and tifty eight, at stees. the house known by the name of the King's Arms Tavern in New Palace Yard, within the faid city of Westminster; and they shall Power of adhave power to adjourn their fucceeding meetings, from time to journment. time, and to fuch places within the faid city or liberty, as they shall think sit.

XXIX. And be it further enacted by the authority aforefaid, Limitation of That actions.

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That if any action, plaint, suit, or information, shall be commenced or profecuted against any person or persons for what he or they shall do in pursuance or execution of this act, the same shall be commenced within fix months after the offence committed; and such person or persons so sued in any court whatfoever, shall and may plead the general issue not guilty, and upon any issue joined, may give this act and the special matter in evidence; and if the plaintiff or profecutor shall become nonfuit, or forbear further prosecution, or suffer a discontinuance; or if a verdict pass against him, the defendant shall recover treble costs, for which he shall have the like remedy, as in any case

where costs by the law are given to defendants.

XXX. And be it further enacted by the authority aforesaid, That this act thall be deemed, adjudged, and taken to be a publick act, and be judicially taken notice of as such by all judges, justices, and other persons whatsoever, without specially pleading the lame.

CAP. XXVI.

An all to explain, amend, and enforce an all made in the last session of parliament, intituled, An act for the better ordering of the militia forces in the feveral counties of that part of Great Britain called England.

Preamble.

General iffue.

Treble costs.

Publick act.

WHEREAS several doubts have arisen, and difficulties have occurred, in carrying into execution an act passed in the last Session of parliament, intituled, An act for the better ordering of the militia forces in the several counties of that part of Great Britain called England: and whereas it has been found, that some farther provisions are necessary, in order to enforce the execution of the said act; be it therefore enacted by the King's most excellent majesty, by and with the advice and confent of the lords spiritual tion to lieute- and temporal, and commons, in parliament affembled, and by the authority of the same, That in all counties, ridings, or places, wherein nothing has been done towards carrying the faid forming to the act into execution, his Majesty's lieutenant for every such county, riding, or place, shall immediately proceed to put in execution the faid recited act, and this present act; and that his Majesty's pealed by this lieutenants, and all other persons concerned in such execution, shall, in all points, conform themselves to the directions of the faid former act fo far only as they are not either amended or repealed by this present act; and in all counties, ridings, or places. where some progress has been made towards the execution of the faid former act, but not sufficient to enable them to chuse the as to be able to men by lot out of the lifts already returned, his Majesty's lieutenant of every such county, riding, or place, and all other perout of the lifts fons concerned as aforefaid, shall begin with and proceed in the returned, fuch execution of the faid former act, and of this present act, in like gin the whole manner, to all intents and purposes, as if nothing had been execution of hitherto done in such county, riding, or place, towards the execution of the faid former act; and that in all counties, ridings,

Renewal of the former direcnants to execute the miliformer act where unreact, and to the new provisions of this. In counties where they have not proceeded fo far chuse by lot counties to bethe two acts de novo.



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or places where the militia men have been actually chosen by In counties lot, or where they can now be chosen out of the lists already where the men returned, either for the whole county, or for any subdivision by lot out of thereof, his Majesty's lieutenant, and all other persons concern- the lists reed in the execution of the said former act, and of this present turned, the act, within fuch county, riding, or place, thall proceed to exe- the former act cute the remaining provisions of the faid former act (which have to be executnot been yet executed in all or any of the subdivisions within ed, as amendfuch county, riding, or place) as the same are amended, suppli- ed by this. ed, or enforced, by the provisions of this act.

II. And be it enacted, That his Majesty's lieutenant of every Direction to county, riding, or place, shall, and he is hereby required to ap-appoint the point a proper number of commission officers to train and disci-militia before pline the militia of his respective county, riding, or place, be- the second fore the times appointed for holding the second meetings of the meeting of the deputy lieutenants and justices of the peace within their respec- deputy lieutive subdivisions, for chusing by lot the persons to serve in the their subdivis-

militia for fuch county, riding, or place.

III. And whereas in the faid recited act passed in the last Repeal of the fession of parliament, there is contained a proviso, That there clause in the shall not be more than three commission officers (that is to say) prescribing one captain, one lieutenant, and one ensign, to eighty private that there shall men, and so in proportion, as near as may be, to any greater not be more or leffer number of private men, which has been found incon-than 3 officers venient; be it therefore enacted and declared, That the faid to 80 private

provito shall be and is hereby repealed.

IV. And be it enacted, That a person seised or possessed, either in law or equity, for his own use and benefit, in possession of an estate for a certain term originally granted for twenty one A leasehold years or more, and renewable, of an annual value, over and a estate origibove all rents and charges payable out of or in respect of, the for 21 years fame, equal to the annual value of fuch an estate as is required renewable, by the faid recited act for the qualification of a deputy lieutenant shall be deemand commission officer of the militia respectively, and situate as ed a qualifica-in the said recited act required, shall be, and is hereby deemed ty lieutenants and declared to be, duly and sufficiently qualified to act and and officers. ferve under fuch respective commission; any thing in the said recited act, or in this act, contained to the contrary notwith-Itanding.

V. And be it enacted, That in such counties where twenty That in those deputy lieutenants cannot be found, who are scised or possessed counties of an estate of the yearly value of three hundred pounds, as is where 20 de-required by the said recited act, and this act, it may and shall nants cannot be lawful for his Majesty's lieutenant of any such county, to ap- be found with point such number of persons to be deputy lieutenants as he sool qualinshall think fit, who shall respectively be seised or possessed of a cation, the like estate of the yearly value of two hundred pounds, and situate may appoint as in the said recited act is required; provided that the persons persons with so appointed shall not make the whole number of deputy lieute- 2001. qualifinants for the faid county to exceed the number of twenty; and cation. every such person shall be, and is hereby deemed and declared

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in proportion.

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to be, duly and sufficiently qualified to act and serve under such Power to cap- respective commission; any thing in the said recited act, or this

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act, contained to the contrary notwithstanding.

VI. And be it enacted, That the captain of every company mers, and dif- of militia may and shall appoint two persons to be drummers to his company, and may and shall appoint corporals out of the private men of his company, in the proportion of one corporal to twenty men, and may displace such drummers and corporals respectively for misbehaviour, and appoint others in their room, point serjeants from time to time, as he shall see occasion; and may and shall appoint, with the approbation of his Majesty's lieutenant, serjeants out the private men of his company, to fill up fuch vacancies; and the cies of serjeants as may happen therein; and every such appointment shall be deemed an actual discharge of the person so appointed from ferving in the militia as a private militia man; and that it shall be lawful for the colonel, or, in his absence, for the commanding officer of any battalion of militia, to displace, upon the application of the captain, any person so appointed a ferjeant out of the private militia men.

VII. Provided always, and be it enacted and declared, That it is and shall be lawful for any deputy lieutenant, or justice of the peace, to act in the execution of this act in any and every fubdivision within the county, riding, or place, for which he is or shall be commissioned; and that each and every such deputy peace may act lieutenant and justice of the peace, hath, and shall have, the same power and authority therein, as is by the said recited act, or by this act, given to any deputy lieutenant or justice of the peace, within the subdivision to which he is or shall be particularly appointed; any thing in the faid recited act, or in this act,

to the contrary notwithstanding.

VIII. And be it enacted, That his Majesty's lieutenant for any county, riding, or place, may and shall appoint a clerk for the general meetings within fuch county, riding, or place, and thelieutenant; may displace such clerk, if he shall think fit, and appoint anoand clerks for ther in his room; and the deputy lieutenants, at their first meetthe subdivision ing within their respective subdivisions, or the major part of them present, may and shall appoint a clerk for their subdivision, and may, at any other meeting within their subdivision, displace such clerk, if they, or the major part of them present, shall think fit, and appoint another in his room.

IX. And be it enacted by the authority aforesaid, That in every county, riding, or place, in which commissions for the field officers, and captain of any one battallion of the militia of ed of, the lieu- fuch county, riding, or place, have not already been given and tenant to ad. accepted in pursuance of the said recited act, his Majesty's lieuvertise a meet- tenant shall, within fourteen days after the passing of this act, or qualified and as soon after as may be, by an advertisement inserted in the Lenwilling to act don Gazette, and also in some one or more of the weekly news papers (if any fuch there be) published or usually circulated withthe militia for in fuch county, riding, or place, summon a meeting of all perfons qualified according to the directions of the faid recited act,

tains to appoint corporais and drumplace them; and, with the approbation of the lieutenants, to apout of the militia men to fill up vacancolonel or commanding officer of the battalion, may, upon complaint to the captain, remove fuch ferjeants.

A deputy heutenant and justice of the in any fubdivision.

A clerk for the general meetings to be appointed by appointed by the deputy lieutenants.

Where commissions have not been iffued, or acceptas officers in or place;



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and of this act, to ferve as officers in the militia of fuch county, riding, or place, and willing to accept such commissions, to be holden on some certain day with one month after the publication of fuch advertisement; and at some certain place within such where they are county, riding, or place; in order that every person so qualified to deliver in as aforesaid, and willing to accept any such commission, may, at and rank they fuch meeting, deliver his name in writing, or cause it to be de- are willing to livered to his Majesty's said lieutenant, or in case of his absence, serve in; to fuch person as shall be authorized by such lieutenant to receive the fame, specifying also the rank in which he is willing to serve; and that if his Majesty's said lieutenant shall not be and if at such able to find, within one month after such meeting, so many per- meeting, or within one fons qualified and willing to accept the commissions of field offi- month after, cers and captains respectively, as shall be equal to the number a sufficient of field officers and captains requifite for any one battalion of the number of militia of fuch county, riding, or place, then, and in fuch case, persons duly it shall be lawful for his Majesty's said lieutenant, upon notice not be found thereof published by him in the London Gazette, and such other to accept papers as aforesaid, to suspend all farther proceedings in the ex- commissions, ecution of the provisions of the said recited act, and of this act, is, by like pubwithin fuch county, riding, or place, until the following year; lick notice, to and that whenfoever and as often as fuch execution shall have suspend all been so suspended, his Majesty's said lieutenant shall, on or be- further profore the twenty fifth day of March next following, fummon, in ceeding, till March follike manner, and with like notice, a meeting within fuch coun- lowing, when ty, riding, or place, of all persons so qualified and willing to like summons ferve as aforesaid; and his Majesty's said lieutenant, and all other and notice is persons, shall proceed thereupon, and also in the farther execu- to be given, and the provition of the provisions of the said recited act, and of this act, in sions in the like manner, to all intents and purposes, as he and they respect former and tively ought to have done, in case a sufficient number of persons this act, are fo qualified and willing to serve as aforesaid, had been found in then to be carthe year one thousand seven hundred and fifty eight.

X. Provided always, That no commission shall be granted to The names of any person to be an officer of the militia of any county, riding, persons inor place, until the lieutenant of such county, riding, or place, tended for ofshall have certified the name of such person to his Majesty, his ficers are to be heirs, or successors (which such lieutenant is required to do) Majesty, beand in case his Majesty, his heirs, or successors, shall, within one fore commissimonth after such certificate laid before his Majesty, his heirs, or ons be grantfuccessors, signify his or their disapprobation of such person to ed them; and be fuch officer in the faid militia, his Majesty's said lieutenant if he shall sig-

shall not grant such commission to such person.

XI. And be it enacted, That the method for carrying into disapprobatiexecution the said recited act, and this act, to be observed in the onot any such, year one thousand seven hundred and fifty eight, shall be as fol- no commission loweth: that is to say. His Majesty's lieurepant for each country is to be grantloweth; that is to fay, His Majesty's lieutenant for each county, ed to such perriding, or place, together with any two or more deputy lieutenants, ion. and on the death or removal, or in the absence of his Majesty's General dilieutenant, the deputy lieutenants, or any three or more of them, carrying the fiall meet at some city or principal town of the county, riding, or former and

month, his Flace, this act into

X 2

pre'ent execu-

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308 and deputy counties, &c. in August, for the deputy meetings therein, and general meeting. Orders to be then iffued to to return on a day appointed, lieutenants. habitants between 18 and each person. Copy of the lift to be affix turn is made. on the day of the returns, after hearing particular to amend the lists; and then appoint a tereturned to the next general meeting; when orders for copies of to the deputy lieutenants at their fecond meetings in

Anno tricesimo primo Georgii II. c. 26. tion, viz. a ge- place, for which they shall be commissioned, on the third Tuesday neral meeting in August, and shall, at their first general meeting, appoint subthe lieutenants divisions of the deputy lieutenants within their respective counties, ridings, and places, and the times and places for their first lieutenants in meetings within the said subdivisions respectively, and the time their respective and place for a second general meeting; and shall issue out their orders to the chief constable, and where there is no chief constaappointing the ble, to some other officer of the several hundreds, rapes, laths, subdivisions of wapentakes, or other divisions, within their respective counties, ridings, or places, to require, by orders under their hands, the and their first constable, tythingman, headborough, or other officer, of each parish, tything, or place, within their respective hundreds, rapes, laths, wapentakes, or other divisions, to return to the deputy also the second lieutenants within their respective subdivisions, at the place and on the day appointed at the faid first general meeting, fair and true lifts in writing, of all the men usually and at that time dwelling within their respective parishes, tythings, and places, the constables, between the ages of eighteen and fifty years, distinguishing their respective ranks and occupations, and which of the persons so to the deputy returned, labour under any infirmities incapacitating them from ferving as militia men, having first affixed a true copy of such Lifts of the in- lift on the door of the church or chapel belonging to such parish, tything, or place; and if any place, being extraparochial, shall 50 years of age, have no church or chapel belonging thereto, on the door of the diftinguishing church or chapel of some parish or place thereto adjoining on the Sunday morning before they shall make such return; and on the day, and at the place, so respectively appointed as aforesaid, ed on the door for the returns of the lifts, the faid deputy lieutenants, or any of the church three or more of them, or any two deputy lieutenants, together on the Sunday with any one justice of the peace, or any one deputy lieutenant, before the re- together with any two justices of the peace, so assembled in their Deputy heute- subdivisions, shall (after hearing any person who shall think nants, affilted himfelf aggrieved by having his name inferted in fuch lifts, or by the justice, by any others being omitted) direct such lists to be amended, as the case shall require, and also the names of all persons by this act respectively excepted, to be struck out of the said lists, and shall appoint the times and places for their second meetings grievances, are within their respective subdivisions, and shall return to the second general meeting all the lifts for the feveral parishes, tythings, and places, so amended; at which said second general meeting, his cond meeting Majesty's lieutenant, together with any two or more deputy The lifts to a- lieutenants, or, in the abscence of his Majesty's said lieutenant, mended, to be any three or more deputy lieutenants, shall order copies to be made of all the faid lifts, and fuch copies to be returned to the deputy lieutenants at their second meetings within their subdivisions, wherein the parishes, tythings, and places, for which are to begiven fach lifts are made and returned, are respectively situate; and the faid lifts to thall appoint what number of men in each respective hundred, be made out, rape, lath, wapentake, or other division, shall serve in the said and returned militia, towards raising the number of militia men, by the said recited act ordered and directed to be raifed for fuch respective county,

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county, riding, or place, in proportion to the whole number their subdivicontained in such lists; and the said deputy leutenants, or any sions; three or more of them, or any two deputy lieutenants, together ber of men with any one justice of the peace, or any one deputy lieutenant, each hundred, together with any two justices of the peace, assembled at their &c. is to furfaid fecond meetings within the faid subdivisions, shall cause the nish, is to be number of men appointed at the faid second general meeting to at the faid seferve for each respective hundred, rape, lath, wapentake, or other cond meetings division, to be chosen by lot out of the lists of the several parishes, such number tythings, and places, within the same; and the said deputy is to be chosen tythings, and places, within the same; and the said deputy by lot, out of lieutenants, or any one or more of them, shall appoint another by lot, out of meeting to be held within three weeks in the same subdivision, A meeting is and shall issue out an order to the chief constable, or other officers then to be apof the respective hundreds, rapes, laths, wapentakes, or other pointed to be divisions, to direct the constable, tythingman, headborough, or weeks after, other officer of each parish, tything, or place, to give notice to and orders ifevery man fo chosen to serve in the militia, to appear at such sued for summeeting; which notice shall be given or left at his place of abode, moning the at least seven days before such meeting; and every person so appear therechosen by lot, shall, upon such notice, appear at such meeting, at; and there take the oath by this act directed to be taken (which the men to apoath any one deputy lieutenant is hereby authorized then and pear accordthere to administer) and shall be inrolled to serve in the militia ingly, and be of fuch respective county, riding, or place, as a private militia rolled, to serve man, for the space of three years, in a roll to be then and therefor 3 years; prepared for that purpose, or shall provide a fit person (to be or provide approved by the faid deputy lieutenants, or anythree or more of proper substi-

with any two justices of the peace then met) to serve as his subflitute; which substitute so provided, shall take the said oath, and
who are to be
sign on the said roll his consent to serve as his substitute, during sworn, and sign
the said term; and if any person so chosen by lot to serve in the on the roll
militia (not being one of the people called Quakers) shall refuse their consent
or neglect to take the said oath, and serve in the militia, or to
said term;
provide a substitute to be approved as aforesaid, who shall take on penalty of
the said oath, and sign his consent to serve as his substitute, every rol. and being
such person so refusing or neglecting, shall forfeit and pay the liable to serve
fum of ten pounds, and at the end of three years be appointed to
3 years.

XII. Provided always, That no peer of this realm, nor any specification person who shall serve as a commission officer in any regiment, of persons extroop, or company, in his Majesty's other forces, or in any one empted from of his Majesty's castles or forts, nor any noncommission officer serving in the or private man, serving in any of his Majesty's other forces, nor militia. any commission officer serving in the militia, nor any person being a member of either of the universities, nor any clergyman, nor any teacher of any separate congregation, nor any constable or other peace officer, nor any articled clerk, apprentice, seaman, or seafaring man, shall serve personally, or provide a substitute

them, or by any two deputy lieutenants, together with any one tutes;

justice of the peace, or by any one deputy lieutenant, together

to ferve in the militia.

X 3

XIII. And



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Persons that XIII. And whereas the members of the company of watermen of are free of the the river Thames, are liable at all times under certain penalties to watermen's company not Serve in the royal navy of Great Britain, when Summoned for that liable to serve. purpose; be it therefore enacted, That no person free of the said company, shall serve personally, or provide a substitute to serve in the militia.

Deputy Neute-

XIV. And be it enacted, That all deputy lieutenants and nants and pa- parish officers shall be liable to serve in the militia, and the be returned in constable, tythingman, headborough, or other officers of every the lifts, and parish, tything, or place, is and are hereby required to insert the liable to serve. names of such deputy lieutenants and parish officers, in the lift to be returned to the lieutenants and deputy lieutenants of persons liable to serve in the militia, for such parish, tything, or place, according to the directions of the faid recited act, and this act; any thing therein or herein contained to the contrary notwithstanding.

XV. And be it enacted, That the deputy lieutenants and

Deputy lieutemuallyto transmit to the copies of the roll for their respective subafter.

The lifts of two or more for one parish.

nants are an- justices of the peace, shall every year, within fourteen days after their respective meetings in their subdivisions for administering lieutenant true the oaths to, and inrolling, the private militia men, transmit to his Majesty's lieutenant true copies of the rolls for their respective subdivisions: and that a general meeting of his Majesty's lieudivisions; and tenant, and the deputy lieutenants, or of the deputy lieutenants, ageneral meet- for the forming and ordering the militia of the respective couning for form- ties, ridings, and places, into regiments, and for the posting ing and order- officers to each company, shall be held within three weeks after tia, to be held the said rolls shall have been transmitted to his Majetty's lieutewithin 3 weeks nant as aforesaid; any thing in the said recited act, or this act. to the contrary notwithstanding. XVI. And be it enacted, That it shall be lawful for any three

or more deputy lieutenants, or any two deputy lieutenants, tobe united, and gether with any one justice of the peace, or any one deputy proceeded on, lieutenant, together with any two justices of the peace, within as if they had their respective subdivisions, to add together, whensoever they been returned shall think necessary, the lists for two or more parishes, tythings, or places, and proceed upon such lists thus added together, in like manner as if they had been originally returned for one parish, tything, or place, so as to make the choice of militia men by lot, within such subdivision, as equal and impartial as possible.

Parishes may offer, and deputy lieutenants accept volunteers; to many men only as thall ing of the parish are to be chosen by

XVII. Provided always, and be it enacted, That if the churchwardens or overfeers, or churchwarden or overfeer, of any parish, tything, or place, or of two or more parishes, tythings, or places, so added together, as aforesaid, shall provide and produce to the in which case, said deputy lieutenants, or any three or more of them, or to any two deputy lieutenants, together with any one justice of the then be want- peace, or so any one deputy lieutenant, together with any two justices of the peace, at their meetings within their respective quota of fuch subdivisions for chusing the militia men any number of volunteers, not being feamen or feafaring men, and fuch volunteers lot of the lifts. shall be approved by the said deputy lieutenants and justices so met as aforesaid, the said deputy licutenants and justices within their respective subdivisions, shall cause only such a number of

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persons to be chosen by lot out of the list returned for such parish.

tything, or place, or parishes, tythings, or places as aforesaid, as

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shall be wanted, after the acceptance of the said volunteers, to make up the whole number to ferve for fuch parish, tything, or place, or parishes, tythings, or places as aforesaid; and in case If such volunall or any fuch volunteers thall not, at the next meeting of the teers thall not faid deputy lieutenants, or any three or more of them, or of any appear at the two deputy lieutenants, together with any one justice of the peace, and serve; or of any one deputy lieutenant, together with any two justices of the peace, appear, and be fworn and inrolled to ferve in the militia for fuch parish, tything, or place, or parishes, tythings, or places as aforesaid, the churchwardens and overseers, or church-warden and overseer, of such parish, tything, or place, or parishes, the church-warden and overseer, of such parish, tything, or place, or parishes, wardens are tythings, or places as aforefaid, shall find one or more fit person to find other or persons in the room of such volunteer or volunteers, or forfeit persons to and pay the fum of ten pounds for every volunteer not appearing ferve in their as aforefaid; fuch penalty to be reco. ered and applied in the stead, or forfeit rol. fame manner as the penalty of ten pounds laid upon any person a man. for refusing or neglecting to appear, and be sworn and inrolled Application of to ferve in the militia, is, by the faid recited act, and this act, we penalty. directed to be recovered and applied; and the faid churchwarden Churchwarden directed to be recovered and applied; and the faid churchwarden chall be reimand overseer, and churchwardens and overseers, shall be reim- imbursed the bursed the said penalty out of the rates to be made for the relief same out of of the poor within such parish, tything, or place, or parishes, the poors tythings, or places as aforefaid.

XVIII. And be it enacted, That every person who shall be The following chosen by lot to serve in the militia, or the person provided to oath to be taferve as a substitute, instead of taking the oaths, and making, ken instead of repeating, and subscribing the declaration, in the faid recited act declaration mentioned, shall, at the time and place appointed by the said appointed to recited act for taking the faid oaths, and making, repeating, and be made and fubscribing the said declaration, take the oath following; that is subscribed by to lay,

I A. B. do sincerely promise and swear, That I will be faithful, and The oath; bear true allegiance, to his majesty King George, his heirs, and fuccesfirs; and I do fivear, that I am a protestant, and that I will faithfully ferve in the militia within the kingdom of Great Britain, for the defence of the same, during the time for which I am inrolled, unless I shall be sooner disenarged.

Which oath any one deputy lieutenant is hereby authorized to to be adminiadminister: and in case any such person thall refuse or neglect stered by the to take the said last mentioned oath, he shall be subject and lia- deputy lieuteble to the same penalties as are inflicted in and by the said recited nant. act, for refusing to take the oaths, and to make, repeat, and futing to take fubicribe the declaration therein mentioned; to be recovered the same. and applied in the fame manner as the faid penalties are therein directed to be recovered and applied.

XIX. And be it enacted, That it may and shall be lawful for the faid deputy lieutenan's, or any three or more of them,

X A



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Discharges may be grant ed, and vacan. cies filled up, of the deputy lieutenants in their lubdivitions.

A vacancy charge for lot.

or any two deputy lieutenants, together with any one justice of the peace, or any one deputy lieutenant, together with any two justices of the peace, at any of their meetings within their respecat any meeting tive subdivisions, as well as at their annual meetings in the week before Michaelmas day, to discharge persons from serving in the militia, and also to fill up all vacancies, according to the directions of the faid recited act, and this act.

XX. Provided always, That when any substitute shall, after upon the death having been approved of by any three deputy lieutenants, or by of a substitute; any two deputy lieutenants, together with any one justice of the into the King's peace, or by any one deputy lieutenant, together with any two justices of the peace, and before the expiration of the term for upon his pro- which he was to serve, die, or enter into any of his Majesty's motion in the land or sca forces, or be appointed a serjeant in the militia, or be militia; or up-discharged for any other just cause, the person for whom he ferved as substitute shall not be obliged to serve himself, or to just cause; to find another substitute; but such vacancy shall be filled up in like be filled up by manner as is directed by the said recited act, and by this act, in case of vacancies occasioned by the death or discharge of persons

ferving for themselves.

XXI. And whereas it is found by the returns of the numbers of persons contained in the lists for the parishes, tythings, and places, within the several counties, ridings, and places, in that part of Great Britain called England, out of which lifts the private militia men are by the said recited all passed in the last selsion of parliament directed to be raised, that the numbers of private militia men so directed to be raised in the said several counties, ridings, and places, do not bear sa just a proportion to each other, in making up the whole number of private militia men, by the said att directed to be raised, within that part of Great Britain aforefaid, as in justice they ought; be it enacted, That after all the faid lists shall have been returned to, and amended by, the respective deputy lieutenants and justices of the peace, and transmitted to his Majesty's privy council, as they are by the faid recited act, and by this act, directed to be, them, are to it shall be lawful for the said council, and they are hereby settle the quo- required to fix and settle, as near as may be, the number of private militia men, who shall for the future serve for each county, riding, or place, within the part of Great Britain aforccording to the faid, by the proportion which the number returned in all the proportion the lifts for the parishes, tythings, and places therein, bears to the whole number of private militia men by the faid recited act dirested to be raised, within the part of Great Britain aforesaid; whole number and forthwith to transmit accounts of the numbers so fixed and settled to all his Majesty's lieutenants of counties, ridings, and places, within the part of Great Britain aforefaid respectively: and where the number of private militia men fo fixed and fettled with to tranf. as aforefaid, shall be respectively greater than the number of primit account: vate militia men who shall have been, by virtue of the said recited of the numbers act, appointed to ferve for any county, riding, or place, then, and in fuch case, h's Majerty's lientenants, together with any two or more deputy lieutenants, or, in the abience of his Maje-

T'e privy council upon receiving the corrected litts ordered to be transmitted to ta of men to serve for each county, acreturns for each county bear to the to be raifed throughout the kingdom; and are forthio fett ed, to the respective licutenantas and if the

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fty's lieutenant, any three or more deputy lieutenants, shall, at number shall a general meeting to be held for that purpose, appoint what num- be greater ber of private militia men shall serve for each respective hundred, quired by the rape, lath, wapentake, or other division, within the county, former act, riding, or place, to which they belong; and the additional num- a general ber of private militia men to make up the whole number so meeting is to fixed and fettled as aforefaid, shall be chosen by lot, in the same held. manner as all other private militia men are by this act directed to tional men are be chosen; and all the additional men so chosen, or their substi- to be then chotutes (to be appointed as substitutes are required to be by this sen by lot; act) shall take the oath by this act required to be taken, and shall respectively be inrolled, or sign their consent to serve in the militia in the same manner as is directed, and shall be subject, in case of refusal, to the same penalties as are in like cases inflicted by this act: and where the number of private militia men so and if less, a fixed and settled as aforesaid, shall be respectively less than the proportional number of private militia men who shall have been, by virtue of number is to the said recited act, appointed to serve for any county, riding, or be discharged place, then, and in such case, his Majesty's lieutenant, together by lot. with any two or more deputy lieutenants, or, in the absence of his said Majesty's lieutenant, any three or more deputy lieutenants, shall at a general meeting to be held for that purpose, discharge by lot proportionably out of each respective hundred, rape, lath, wapentake, or other division, so many private militia men as shall exceed the number so fixed and settled as aforesaid.

XXII. And be it enacted, That in case it shall at any time Where the appear to his Majesty's lieutenant, and any two or more deputy number to be lieutenants, or on the death or removal, or in the absence of raised in any his Majesty's lieutenant, to any three or more deputy lieutenants be unequally of any county, riding, or place, at their general meeting, that or erroneoully the distribution by them made of the whole number of militia apportioned amen charged upon such county, riding, or place, among the mongst the hundreds or several hundreds, rapes, lathes, wapentakes, or other divisions, divisions was either unequally and erroneously made, or, from any subse-thereof; the quent alteration of circumstances, is become unequal and dif- lieutenant and proportionable, it shall be lawful for his Majesty's said lieute- deputy lieunant, and any two or more deputy lieutenants, or on the death make a new or removal, or in the absence of his Majesty's lieutenant, for and more any three or more deputy lieutenants, to make a new and more equal distriequal distribution of such number as aforesaid, among the said bution; several hundreds, rapes, lathes, wapentakes, or other divisions, according to the method prescribed by this act for making the original distribution for the year one thousand seven hundred and fifty eight; and to cause such additional number of men to be and raise, and chosen by lot, or such number to be discharged out of those be-discharge men fore chosen, for each respective hundred, rape, lathe, wapen-conformable take, or other division, as shall become necessary in consequence thereto. of fuch new distribution, in like manner as is by this act preferibed to be done, where the fame shall become necessary in consequence of the accounts transmitted from his Majesty's privy council.

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Persons tampering with the constables to make falle of any perion out of the lists, torfeit 50 l.

XXIII. And be it enacted, That any perion who shall, by gratuity, gift, or reward, or by promise thereof, or of any indemnification, or by menaces, endeavour to prevail on any chief returns, or to constable, or any constable, tythingman, headborough, or other erafethename officer, of any parith, tything, or place, to make a false return of any lift for any parish, tything, or place, or to erate or leave out of any fuch lift, the name of any fuch person as ought to be returned, shall, for every such offence, forfeit and pay the fum of fifty pounds, to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at Westminster, wherein no essoin, wager of law, or protection, or more than one imparlance thall be allowed; all which penalty shall go to the use of the person who shall sue for the same.

Militia men exempted from itatutework; and from ferving any parish ofbeing prefled into the King's tervice; and fubititutes, having been in actual fervice, are equally

XXIV. Provided always, and be it enacted, That no private man ferving in the militia, either for himself, or as a substitute, shall, during the time of such service, be liable to do any highway duty commonly called Statute-work: or be appointed to ferve as a peace officer or parith officer; nor thall fuch private tice; and frem militia man be liable to ferve in any of his Majetty's land or fea forces, unless he shall consent thereto; and that every person having ferved as a substitute in the militia, when ordered out into actual fervice, and being a married man, shall have the like privilege in respect to setting up and exercising any trade, as by the faid recited act is given to those who shall have personally ferved in the militia in the like circumstances. mittled, with perfons ferving for themselves, to set up any trade.

Militia mento retain their the end of 3 years fervice. Militia man nual exercise, is to be prowided for by or justice of the place; and the expence thereof to be reim-

XXV. Provided also, That every such private militia man, who shall have served in the militia for the space of three years, regimentals at shall be intitled to, and shall keep and retain to his own use, the cloathes provided for him as private militia man.

XXVI. And be it enacted, That in case any private man falling fick on ferving in the faid militia shall, on the march, or at the place a march, or at where he shall be called out to annual exercise, be disabled by the place of an- fickness, it shall and may be lawful for any one justice of the peace of the county, or any mayor or chief magistrate of any city, town, or place, where fuch man shall then be, to order an order from him fuch relief as he shall think reasonable, by warrant under the magnitrate, his hand and feal; and the officers of the parish, tything, or place, for which fuch man shall serve as a militia man, shall reimburse the same to the officers of the parish where such militia man shall then receive such relief, which shall be allowed in their accounts, upon producing the above order: provided that fuch proper parish. allowance shall not intitle such person to any settlement in the faid parish or place where he shall receive such relief.

Every militia one guinea apon being ordered out into actual dervice.

XXVII. And be it enacted, That when the militia of any man to receive county, riding, or place, shall be ordered out into actual service, the receiver or receivers general of the land tax for fucl; county, riding, or place, shall, and he or they is and are hereby required to pay, or cause to be paid, to the captain, or other commanding officer of each company of militia fo ordered our for fuch county, riding, or place, one guinea for each private



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militia man belonging to his company, to be paid over by such captain, or other officer, to every fuch private militia man, on or before the day appointed for marching; and fuch receiver or receivers general shall be allowed the same in his or their accounts.

XXVIII. And be it enacted, That when any militia man Weekly alshall be ordered out into actual service, leaving a family not of lowance to be ability to support themselves during his absence, the overseer or distress'd faoverseers of the parish where such family shall reside, shall, and milies of mithey are hereby required to allow to such family such weekly al-litia men in lowance for their support, until the return of such militia man, actual service as shall be ordered by any one justice of the peace; such allow-reimbursed ance to be reimbursed out of the county stock by the treasurer out of the of the county; and such treasurer shall be allowed the same in county stock. his accounts.

XXIX. And be it enacted, That all sums of money arising Fines for not by forfeitures paid by or levied upon persons refusing to serve in serving to be the militia personally, or by substitute, shall be applied in the providing subfirst place, by any three deputy lieutenants, or by any two de-stitute in such puty lieutenants, together with any one justice of the peace, or person's roomby any one deputy lieutenant, together with any two justices of the peace, within their respective subdivisions, in providing a substitute for the person who shall have paid such penalty; and Surplus to go if any part of such penalty shall remain after such substitute shall into the regibe provided, the same shall be paid into, and be applied as part of, the regimental stock; any thing in the said recited act, or this act, to the contary notwithstanding.

XXX. And whereas by the faid recited all paffed in the last Session of parliament, it is enacted, That the militia of every county, riding, or place, shall be trained and exercised in half companies, on the first Monday in the months of March, April, May, June, July, August, September, and October, and in companies, on the third Monday in the said months: and whereas the training and exercising of the whole militia for any county, riding, or place, in half companies, or companies, in the week, on the same day, will render it impossible for the adjutant of any regiment or battalion to attend such balf companies, or companies, so often as the necessity of the service may require; be it enacted, That it shall be lawful for his Majesty's The exercise lieutenant of any county, riding, or place, together with any in half and whole comtwo or more deputy lieutenants, or, in the absence of the lieu-panies not tenant, for any three or more deputy lieutenants, to change the confined to day of training and exercifing any half company, or companies Monday, and of militia, from Monday to any other day of the week (Sunday the day left open to be apexcepted) as shall appear to them to be best for the good of the pointed as fervice, so that the whole militia for his or their respective coun- shall be found ty, riding, or place, be trained and exercised in half companies, best for the within the first week, and in whole companies, within the third fervice; week, in each of the months aforefaid; any thing in the faid re- be exercised in cited act to the contrary notwithstanding. nies the first week, and in whole, the third week, in the months above recited.

half compa-

XXXI. And be it enacted, That his Majesty's lieutenant, together

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The lieutenants may change the exercise from two days in a to the Tuefday and Wedneiday in Easter week.

The time the militia men may be kept to exercise.

Militia men to be furnished where they are quartered at a certain rate, viz.

Subalterns at and private men at 4 d. per diem.

When the pay, arms, cloaths, and accoutrements may be iffued.

Attendance of constables enpenalties, as are inflicted aft for noncompliance with orders.

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together with any two or more deputy lieutenants, or on the death or removal, or in the absence of his Majesty's lieutenants, the deputy lieutenants, or any three or more of them, are hereby impowered to dispense with the training and exercising of the harvestmonth, militia within their respective counties, ridings, or places, in any one month in the time of harvest, and to order and direct that the faid militia shall be trained and exercised instead thereof on the Tuesday and Wednesday in Easter week; any thing in the faid recited act, or this act, to the contrary notwithtlanding.

XXXII. And be it enacted, That it may and shall be lawful for the officers of the militia, or, in the absence of an officer, for a non-commission officer, to detain the militia men, on the days of exercise, any time not exceeding fix hours; provided they do not keep them above two hours under arms at any one time, without allowing them a proper time to retreth themselves.

XXXIII. And be it enacted, That the officers and private men ferving in the militia quartered and billeted according to the directions of the faid recited act, thall be received and furnished with diet and small beer by the owners of the inns, alehouses, victualling-houses, and other houses in which they are allowed to be quartered and billeted, paying and allowing for the same the several rates herein after mentioned; that is to say, For one commission officer under the degree of a captain, for diet and small beer per diem one shilling; and for one private man's diet and fmall beer per diem, four pence.

XXXIV. And be it enacted by the authority aforesaid, That pay, arms, accoutrements, and clothing, may be iffued, and that an adjutant and serjeants may be appointed, for any regiment or battalion of militia of any county, riding, or place, when it shall appear, by a return signed by his Majesty's lieutenant, or in his absence by three deputy lieutenants, that three fifths of the militia men or any such regiment or battalion have been inrolled; and that three fifths of the commission officers have been appointed; and that they have taken out their commissions, and entered their qualifications; any thing in the faid recited act to the contrary notwithstanding.

XXXV. And be it enacted, That it shall be lawful for the deputy lieutenants, or any three or more of them, or any two deputy forced by like lieutenants, together with any one justice of the peace, or any one deputy lieutenant, together with any two justices of the by the recited peace, within their respective subdivisions, from time to time, to iffue out their order or warrant, under their hands and feals, commanding the attendance of the constable, tythingman, headborough, or other officer, of any parish, tything, or place, within their feveral fubdivisions, at such times and places as in fuch order or warrant thall be expressed; and such constable, tythingman, headborough, or other officer, who shall refuse or neglect to appear according to such order or warrant, shall fuffer all the like pains and penalties as are inflicted by the faid



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recited act upon such officers, for not complying with any or-

ders given in purluance of the faid recited act.

XXXVI. And be it enacted, That whenfoever the militia shall Power to the be ordered out into actual service, it shall and may be lawful for captain, when the captain of any company of militia men to augment his com-called into acpany, by incorporating, with the consent of his Majesty's lieu-tual service, tenant, or, in the absence of his Majesty's lieutenant, with the to augment his consent of two or more of the deputy lieutenants, any number company with of persons who shall offer themselves as volunteers, and who volunteers, shall appear to him to be sufficiently trained and disciplined, and sent of the provided with proper cloaths, arms, and accoutrements, and lieutenant. who shall take the oath appointed to be taken by this act, and fign their consent to serve in the militia for the time of fuch actual lervice, and to submit to the same rules and articles of war as militia men are by the faid recited act, and this act, liable to, during the time of their continuing in actual fervice.

XXXVII. And be it enacted, That it shall be lawful for any A commission commission officer of the militia, being a justice of the peace, officer being a and acting as fuch, upon his own view of any offence commit-justice of the ted by any non-commission officer or private militia man under upon his own his command, punishable by the said recited act passed in the view, punish a last session of parliament, to punish such non-commission officer militia man or private militia man respectively, in the same manner as any guilty of any one justice of the peace is impowered to do, upon proof thereof offence pumade according to the directions of the faid recited act.

XXXVIII. And be it enacted, That any two deputy lieu- Persons retenants, together with any one justice of the peace, or any one quired for the deputy lieutenant, together with any two justices of the peace, execution of within the counties of Cumberland, Huntingdon, Monmouth, this act in Wallendard and Postland, Westmorland, and Rutland, and within all the several counties Huntingdon, and places within the faid dominion of Wales respectively, shall &c. have and exercise all and every the powers conferred by the said recited act, and this act, on any three deputy lieutenants, or on any two deputy lieutenants, together with any one justice of the peace, or on any one deputy lieutenant, together with any two justices of the peace of any county, riding, or place, within that part of Great Britain called England; any thing therein or herein contained to the contrary notwithstanding.

XXXIX. And whereas by the fail recited all passed in the last session of parliament, it is enacted, That the number of private men to be raised for the Tower Division in the county of Middlesex, Clause in the commonly called The Tower Hamlets, shall be one thousand one hun-recited act redred and fixty; be it enacted, That so much of the said act as specting the relates to the number of private militia men to be raifed within number and and for the said division or hamlets, or to the levying, training, militia of The and exercifing the militia of the faid division or hamlets, or to Tower Hamthe appointment of officers, or levying trophy money, within lets, repealed.

the same, shall be, and the same is hereby repealed.

XL. Provided always, and be it enacted, That whereas the Lieutenant of militia of the Tower Division in the county of Middlesex, com- the Towerimmonly known by the name of The Tower Hamlets, is, and always point deputy

has lieutenants,

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and grant commissions, and regiment the militia of a. directs;

and raise trophy money for defraying incident charges;

and appoint a treasurer of the faid monies,

who is to account yearly upon oath. The faid accounts to be ieffions; and no wartill the preceding year's accounts are fettled.

Provisions,&c. in the recited act with refpect to Com' Northumberland, extendbe chosen by

has been, under the command of his Majesty's constable of the Tower, or lieutenant of the Tower Hamlets, for the service and preservation of that royal fort; it shall be lawful for his Mathe faid ham- jesty's said constable, or lieutenant for the time being, from lets, as the act time to time, to appoint his deputy lieutenants, and to give of 13&14 Car. commissions to a proper number of officers to train and discipline the militia to be raifed within and for the faid division or hamlets, pursuant to an act of the thirteenth and fourteenth years of the reign of King Charles the Second, intituled, An act for ordering the forces of the several counties of this kingdom; and to form the same into two regiments of eight companies each, in fuch manner as the faid constable or lieutenant hath used to do; and also for defraying the necessary charge of trophies, and other incident expences of the militia of the same division or hamlets, it shall be lawful for his Majesty's said constable or lieutenant, to continue to raise in every year the proportion of a fourth part of one month's affessment of trophy money, within the said division or hamlets, in such manner as he hath used to do, by virtue and in pursuance of the said act of the thirteenth and fourteenth years of the reign of King Charles the Second.

XLI. And be it further enacted, That his Majesty's said constable of the Tower, or lieutenant of the Tower Hamlets, shall appoint a treasurer of the said trophy money, for receiving and paying fuch monies as shall be levied by virtue of the said act of the thirteenth and fourteenth years of the reign of King Charles the Second; which faid treasurer shall yearly account in writing, and upon oath, for the same, to the said lieutenant, or his deputy lieutenants, or any three or more of them; which oath they shall have power to administer; and which accounts for certified to the the same shall be certified to the justices of the peace for the said justices at their division at their next general or quarter sessions; and that the faid constable, or lieutenant, shall not issue out warrants for rant to be iffu- raifing any trophy money, until the justices of the peace, or the ed for raising major part of them at such sessions, shall have examined, stated, trophy money, and allowed, the accounts of the trophy money raised, levied, and collected, for the preceding year, and certified the same under the hands and seals of four or more of such justices, unless in case where it shall appear to such justices, that by reason of the death of such treasurer, or otherwise, such accounts cannot be paffed.

XLII. And whereas from the peculiarity of the jurisdiction of the town of Berwick upon Tweed, the faid recited all could not be carried into execution in that place without a particular provision; be it therefore enacted, That all the powers given, and provisions made, by the faid recited act, and this act, with respect to the county of Northumberland, and the militia thereof, shall, in like manner, take place, and be in force, with respect to the said ed to Berwick town of Berwick upon Tweed, except only as to the particulars upon Tweed; herein expressed, and otherwise provided for; and that out of and the num- the persons returned in the lifts for the said town, a number of ber of men to private militia men shall be chosen by lot to serve for the said

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town, in the same proportion with the private militia men lot to serve for appointed to serve for the other respective hundreds, wards, and the said town, other divisions, within the said county of Northumberland; and to be in pro-if persons can be found within the said town and liberties there-number apof, with such qualifications as are required for deputy lieutenants appointed for and officers within the cities and towns which are counties of the other hunthemselves, the chief magistrate of the said town of Berwick within the said upon Tweed shall appoint five deputy lieutenants, and such num- county. ber of officers of the militia as shall be proportionable to the Chief maginumber of militia men which the said town shall raise, as their strate to ap. Quota towards the militia of the county of Northumberland; and point 5 deputy the faid lieutenants and officers are hereby required to put the fo many shall powers conferred by the said recited act, and this act, for raising be found quaand training the militia, into execution, within the faid town lified, and a and liberties, subject to such penalties as are inflicted upon de- number of puty lieutenants and officers of the militia for acting, not being portion to the duly qualified according to the directions of the faid recited act, Quota of the and this act; and that the faid militia shall annually join the mi- men. litia of the county of Northumberland, and be exercised together Men to join the militia of at the general annual exercise in Whitsun week, and shall then, the county at and also in time of actual service, be deemed the militia of the their general county of Northumberland for the purposes aforesaid.

XLIII. And whereas the separating the militia of the isle of cise.

Purbeck from the militia of the county of Dorset, is at-recited act retended with many inconveniencies; be it enacted, That the clause in lative to the the faid recited act passed in the last session of parliament rela- militia in the tive to the militia of the isle of Purbeck aforesaid, be and is isle of Purbeck hereby repealed; and that all the powers given and provisions repealed; made by any part of the faid recited act unrepealed, and by this thereof for the act, with respect to the said county of Dorfet, and the militia future to be thereof, shall take place and be in force with respect to the said chosen, &c. as is provided in the persons to be returned in the lists for the with respect to feveral parishes, tythings, and places, within the said isle, a the other number of private militia men shall be chosen by lot to serve for hundreds, &c. the respective hundreds, liberties, and other divisions, within the in the county faid isle, in the same proportion with the private militia men of Dorset. appointed to serve for the other respective hundreds, liberties, and other divisions, within the said county of Dorset, with the town and county of the town of Poole; and that the number remaining out of the eighty private men, by the faid clause in the said recited act directed to be raised for and in the said isle, shall be apportioned as equally as may be amongst all the hundreds, liberties, and other divisions, within the said county of Dorfet, with the faid town and county of the town of Poole.

XLIV. Provided always, That nothing in this act contained, Nothing in shall in any wife extend to annul, or make void, any thing al- this act that ready done in pursuance of the said recited act, within any such make void county, riding, or place, or any fuch subdivision, where the mi- what has been litia men have been, or now can be, chosen out of the lists al- done in pursuready returned; or to oblige his Majesty's lieutenant, or any o- ance of the ther person concerned in the execution of the said recited act, former act.

annual excer-

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and of this act, within such county, riding, place, or subdivifion, to put in execution any of the provisions contained in this act, except only such as relate to matters subsequent, in order of time, to those provisions of the said recited act, which they have already put in execution, within fuch county, riding, place, or fubdivision; any thing in this act contained to the contrary notwithstanding.

Limitation of actions.

XLV. And be it enacted, That if any action or actions, suit or fuits, shall be brought or commenced against any person or persons, for any thing done in pursuance of the said recited act, or this act, such action or actions, suit or suits, shall be commenced within fix calendar months after the fact committed, and not afterwards; and shall be laid in the county or place where fuch action or actions, fuit or fuits, did arife, and not elfewhere; and the defendant or defendants in such action or General iffue. actions, fuit or fuits, to be brought, may plead the general iffue, and give this act, and the special matter, in evidence, and if such action or actions, fuit or fuits, shall be brought after the time for bringing the same; or if the jury shall find for the defendant or defendants in fuch action or actions; or if the plaintiff or plaintiffs shall be nonsuited, or discontinue his or their action or actions, fuit or fuits, after the defendant or defendants shall have appeared; or if, upon demurrer, judgement shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have treble costs, and have the like

Treble cofts.

have, in other cases, to recover costs by law. XLVI. Provided always, and be it enacted, That this act shall continue and be in force, for and during the continuance

remedy for the same, as any defendant or defendants hath or

Continuance of the act.

of the faid recited act, and no longer.

CAP. XXVII.

An act for repealing an act made in the twenty fifth year of bis present Majesty, to restrain the making insurances on foreign ships bound to or from the East Indies.

Preamble, reciting certain clauses in act 25 Geo. 2.

THEREAS by an act made in the twenty fifth year of the reign of his present Majesty, intituled, An act to restrain the making infurances on foreign thips bound to or from the East Indies; all and every person or persons, bodies politick or corporate, being subjects of his Majesty in Great Britain or Ireland, or elsewhere; and all other persons what soever residing within Great Britain or Ireland, are restrained and prohibited from granting, figning, or underwriting, any policy or policies of affurance, or lending any money on bottomree or respondentia, of or upon any foreign thips trading or failing to or from the East Indies, and other places beyond the Cape of Good Hope, within the limits of trade granted to the united company of merchants of England trading to the East Indies, or to or from any ports or places within the faid limits; be it enacted by the King's most excellent majesty, by and with the advice and confent of the lords spiritual and temporal, and

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commons, in this present parliament assembled, and by the authority of the same, That the said act shall from and after the The recited fifth day of July, one thousand seven hundred and fifty eight, act repealed. be repealed; any thing to the contrary thereof in any wife notwithstanding.

CAP. XXVIII.

An all to permit the importation of salted beef, pork, and butter, from Ireland, for a limited time.

WHEREAS the permitting the importation of falted beef, pork, and butter, into this kingdom from Ireland, for a li- Preamble. mited time, may at this time, be of great advantage to both kingdoms; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty Importation of fourth day of June, one thousand seven hundred and fifty eight, salted beef, the importation of all forts of falted beef, pork, and butter, pork, and bute into this kingdom from Ireland, shall be, and is hereby, per-ter, allowed mitted, allowed, and authorized, for and during the term of fix for 6 months; months from thence next enfuing; and that all perfons shall be, without being and are hereby, exempted, freed, and discharged, from the subject to any payment of all subsidies, customs, rates, duties, or other impo-penalties or fitions, and also from all penalties, forfeitures, payments, and forfeitures, punishments, for or upon account of importing or bringing falted beef, pork, and butter into this kingdom from Ireland, during the term aforesaid, other than such as herein after are mentioned in respect thereof; any act or acts of parliament to the

contrary notwithstanding.

II. Provided always, and to the intent that the revenue arif- or other dua ing from falt may not be prejudiced by fuch importation of falt-ties, on the ed beef, pork, and butter, from Ireland; be it enacted, That landing after the faid twenty fourth day of June, one thousand seven is. 3d. per hundred and fifty eight, during the continuance of this act, C. wt. for there shall be paid to such officer as the commissioners for the beef or pork, duties on falt for the time being shall appoint, at the port in England into which any such salted beef, pork, or butter, shall, in pursuance of this act, be imported from Ireland, and before any part thereof shall be delivered out to the person or persons to whom the same shall belong or be configued, the sum of one shilling and three pence for every hundred weight of all such falted beef or pork; and the fum of four pence for every hundred weight of all fuch salted butter; and so in proportion for and 4d. per any greater or leffer quantity than an hundred weight of any such C. wt. for falted beef, pork, or butter, as or for custom, or for duty, on or in respect thereof; the money so arising by the importation the same to be of the said salted beef, pork, or butter, to be paid into his Ma- paid into the jesty's exchequer as part of the duties on salt laid on by an act exchequer, as in the fifth year of his present Majesty's reign, and continued by duties on salt, several subsequent acts.

III. And be it enacted by the authority aforesaid, That if any of 5 Geo. 2. Vol. XXII. perion

laid by the act

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landed before duty paid, the importer, befides the fortesture of the faid commodities, is to for feit allo 20 s. per barrel;

One moiety King, the other to the informer.

No bounty to be allowed on the exporting thereof from hence.

General issue.

Treble cofts.

If any shall be person or persons shall, after the said twenty fourth day of June one thousand seven hundred and fifty eight, during the continuance of this act, land any such salted beef, pork, or butter, into this kingdom from Ireland, before payment of the duty or duties by this act specified and directed, the same shall be forfeited and loft, and twenty shillings per barrel for every barrel thereof; and so in proportion for any greater or lesser quantity, to be recovered of the importer or proprietor thereof; and that all such forfeitures and penalties shall be distributed in manner following; that is to fay, one moiety thereof to the King, his thereof to the heirs, and successors, and the other moiety thereof to the perfon or persons who shall seize, sue, or inform for the same; to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at Westminster.

IV. Provided always, and it is hereby enacted, That no bounty shall be allowed or paid for any such falted beef or pork, so imported into this kingdom from Ireland, and which shall be

exported from hence elsewhere.

V. And be it further enacted by the authority aforesaid, That if any action or fuit shall be commenced against any perfon or persons for any thing done in pursuance of this act, the defendant or defendants in any such action or suit, may plead the general issue, and give this act, and the special matter, in evidence, at any trial to be had thereupon, and that the same was done in pursuance, and by the authority of this act; and if it shall appear so to have been done, the jury shall find for the defendant or defendants; and if the plaintiff shall be nonfuited, or discontinue his action, after the defendant or defendants shall have appeared; or if judgement shall be given, upon any verdict or demurrer, against the plaintiff, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same, as any defendant or defendants hath or have in other cases by law.

CAP. XXIX.

An act for the due making of bread; and to regulate the price and affize thereof; and to punish persons who shall adulterate meal, flour, or bread.

Preamble, reciting act 51 Hen. 3.

THERE'AS by an act of parliament made in the one and fiftieth year of the reign of King Henry the Third, intituled, Assis Panis & Cervisiae, provision was made, amongst other things, for settling the affize of bread: and whereas by an act of parliament made in the eighth year of the reign of her late majesty Queen Ann, intituled, An act to regulate the price and affize of bread, so much of the said aet (intituled, Assis Panis & Cervisiæ) as related to the affize of bread, was repealed, annulled, and made void; and the faid all made in the said eighth year of the reign of her said late majesty Queen Ann, was only made to continue in force for three years, and from thence to the end of the then next session of parliament, but by some subsequent acts of parliament, the faid in part recited all made

and 8 Annæ.



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in the said eighth year of her said majesty Queen Ann, with several alterations and amendments thereto bath been continued until the swenty fourth day of June, one thousand seven hundred and fifty seven, and from thence to the end of the then next of session of parliament: and whereas it is expedient to reduce into one act the several laws now in force relating to the due making, and to the price and affixe of bread, and to make some alterations in, and amendments, to the same; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said act made in the said eighth year of the reign of her said late The recited majesty Queen Ann, and all alterations and amendments made and other acts. by any acts of parliament subsequent thereto, for continuing, subsequent, explaining, or amending the same, is and are hereby further and relating continued from the expiration thereof, until the twenty ninth thereto, contiday of September, one thousand seven hundred and fifty eight; Sept. 1758; and that from and after the faid twenty ninth day of September, from which one thousand seven hundred and fifty eight, so much of the said time so much statute (intituled Affisa Panis & Cervisiae) as relates to the assize of the act of of bread, and which would otherwise be revived, when the said 51 Hen. 3. as recited act made in the faid eighth year of her faid late majesty affize of bread; Queen Ann, shall expire; and also the said act of parliament and act 8 made in the said eighth year of the reign of her said late majesty Ann. and o-Queen Ann, and all the alterations and amendments made by ther acts, conany acts of parliament subsequent thereto, for continuing, ex- amending, the plaining, or amending the fame, shall be and are hereby repeal- same, are reed, annulled, and made void.

II. And, to the intent that from and after the faid twenty ninth day of September, a plain and constant rule and method may be duly observed and kept in the making and assizing of the several sorts of bread which shall be made for fale in any place or places where an affize of bread shall at any time be thought proper to be fet in pursuance of this act, be it further enacted by the authority aforefaid, That General ordifrom and after the faid twenty ninth day of September, it shall be nance for setlawful for the court, or person or persons herein after authoriz- ting an affixe ed by this act to fet the affize of bread, to fet, ascertain, and ap-bread. point, in any place or places within their respective jurisdictions, the affize and weight of all forts of bread, which thall, in any fuch place or places, be made for fale, or exposed to fale, and the price to be paid for the same respectively, when, and as often, from time to time, as any fuch court, or person or persons as aforesaid, shall think proper; and that in every assize of bread Affize to berewhich shall be set in pursuance of this act, respect shall, from time gulated by the to time, be had by the court, person or persons as aforesaid, price the who shall set the same, to the price which the grain, meal, or grain, meal, flour, whereof fuch bread shall be made, shall bear in the pub- in the mark-t, lick market or markets, in or near the place or places for which and the profit any fuch affize shall be so at any time set; and making, from to be allowed time to time, reasonable allowance to the makers of bread for to the baker. fale, where any fuch affize shall be so set, for their charges, la-Y 2 bour,

pealed.

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bour, pains, livelihood, and profit, as fuch court, or person or persons as aforesaid respectively, who shall at any time think fit to set any such assize, shall, from time to time, deem proper.

Where an affize thall be fet? no fort of en and houseother than by allowed, is to be made for fale;

III. And be it further enacted by the authority aforesaid, That from and after the faid twenty ninth day of September, where an affize of bread shall at any time be thought proper to bread (wheat- be set for any place or places by virtue of this act, no person or holdexcepted) persons shall there make for sale, or sell, or expose to or for sale, any fort of bread, except wheaten and houthold, otherwise brown what is there- bread, and such other fort or forts of bread, as in such place or places shall be publickly allowed to be made or fold by the court, or person or persons, who by this act are authorized to set an alfize of bread for any such place or places; but where it hath been usual to make bread with the meal or flour of rye, barley, oats, beans, or peafe, or with the meal or flour of any fuch different forts of grain mixed together, or the court or person or persons impowered to set an affize of bread by virtue of this act, shall at any time think fit to order or allow in any place or places within the limits of their respective jurisdictions, bread to be made with rye, barley, oats, beans, or pease, or with the flour or meal thereof, or with the meal or flour of any fuch different forts of grain mixed together, such bread shall and may be there made and fold; and if any person shall offend in the premisses, under penalty and thall be convicted of any fuch offence, either by his, her, or their own contession, or by the oath of one or more credible not exceeding witness or witnesses, before any magistrate or magistrates, justice or justices of the peace, within the limits of his or their jurisdiction, every one so offending, shall, on every such conviction, forfeit and pay any sum not exceeding forty shillings, nor less than twenty shillings, as any such magistrate or magistrates, justice or justices, shall think fit and order.

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of forfeiting

40s. nor less

than 20 s.

IV. And be it also enacted by the authority aforesaid, That price of bread from and after the faid twenty ninth day of September, in every place and places for which an affize of bread thall at any time cording to the be thought proper to be fet by virtue of this act, the affize and weight of the several forts of bread which shall be there made for sale, or fold, or exposed to or for sale, and the price to be paid for the same respectively, shall be sett and ascertained according to the tables hereafter following, marked No. I. and II.



A TABLE of the Affize and Price of Bread made of Wheat, in Two Parts.

Part the First, or, The Assize Table,

Contains, in Column No I. the Price of the Bushel of Wheat Winchester Measure, from 2s. 9d. to 14s. 6d. the Bushel, the Allowance of the Magistrates or Justices to the Baker, for Baking, being included; and in Column No II. are the Weights of the several Loaves: So that (for Example) if the Price of Wheat in the Market is 5s. the Bushel, and the Magistrates allow 1s. 6d. the Bushel to the Baker for Baking, find 6s. 6d. in Column No I. and even therewith, under No II. will be found the Weights of the several Loaves; but if the Price in the Market is 3s. and the Allowance 1s. then the Weight of the said Loaves will be found even with 4s.

Note, That the Wheaten Loaves are Three fourths of the Weight of the Household Loaves; and if the Magistrates or Justices shall think fit to allow of any White Loaves of the Price of One Penny or Two Pence, they are to weigh at all Times Three fourths of the Weight of the Wheaten Loaves of the same Price.

Part the Second, or, The Price Table,

Contains, in Column No II. the Price of the Bushel of Wheat Winchester Measure, from 2s. 9d. to 14s. 6d. the Bushel, the Allowance of the Magistrates or Justices to the Baker, for Baking, being included; and in Column No I. are the Prices of the Peck, Half Peck, and Quartern, Wheaten and Household Loaves: So that (for Example) if the Price of Wheat in the Market is 5s. the Bushel, and the Magistrates allow 1s. 6d. to the Baker for Baking, find 6s. 6d. in No II. and even therewith, under No I. will be found the Prices of the several Loaves; but if the Price in the Market is 3s. the Bushel, and the Allowance 1s. then the Prices of the said Loaves will be found even with 4s.

Note, That the Prices of the Household Loaves are always Three-fourths of the Prices of the Wheaten Loaves; and where it shall be thought proper to allow of Half Quartern Loaves, the Prices of such Loaves (if sold singly) are to be Half a Farthing higher than is allowed by this Table, when it shall so happen that the Farthing is split.

And Magistrates and Justices, within their respective Jurisdictions, being to set the Assize, and six the Price, of the several Loaves of Bread, having Respect to the Price which the Grain, Meal, or Flour, of which the same are made, shall bear in the Market; but no Provision being made how they should know what Price the respective Sorts of Meal and Flour should be esteemed to bear, in Proportion to the Price of Wheat, they are therefore to take Notice, That the Peck Loaf of each Sort of Bread is to weigh, when well baken, 17 lb. 6 Ounces Averdupois, and the rest in Proportion; and that every Sack of Meal or Flour is to weigh 2 Cwt. 2 qrs. net; and that from every Sack of Meal or Flour there ought to be produced, on the Average, 20 such Peck Loaves of Bread; and, by observing the said Rule, Magistrates and Justices may at all Times know if the Baker hath more or less than the Allowance they intend to give him.

N°I.		N* II.										N° I.					N° II.	
_		Part the First; or, The Asize Table.									Part the Second.							
The Price of W			Small Aff	ize Bread.		Large Affize Bread.					Prized Bread.						The Prior	
	The Penny Loaf. The Two penny Loaf.				The Sixpenny Loaf. TwelvepennyLoaf.			Eighteenpenny Loaf. Quartern Loa		tern Loaf.	Halfpeck Loaf.		Peck Loaf.		Feb			
12	Whea	sten	Houfhold	Wheaten	Houfhold	Wheaten	Houthold	Wheaten	Houshold	Wheaten	Houshold	Wheat	n Houshold	Wheaten	Houfhold	Wheaten	Houfhold	30
s. d.	os.	dr.	oz. dr.	lb. oz. dr.	lb. oz. dr.	lk oz. dr.	lb. oz. dr.	lb. oz. dr.	lb. oz. dr.	lb. oz. dr.	lb. oz. dr.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
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36	17 16	6	23 3 21 6 20 4	2 2 12 2 0 11 1 14 8	2 14 5 2 10 12 2 8 8		8 11 0 8 0 5 7 9 8	13 0 9 12 4 4 11 7 0	17 6 1 16 0 11 15 3 0	19 8 13 18 6 7 17 2 8	26 1 1 24 1 0 22 12 8	0 4 0 4 0 4	0 3 t	08 1	0 6 1	1 4 0	1 1 1	3 6 3 9 4 0
4 9 4 9	14 13 12	4 9 12	19 1 17 15 17 1	1 12 8	2 6 2 2 3 14 2 2 2	5 5 9 5 7 6 4 12 11		10 11 2 10 2 12 9 9 7	14 4 12 13 7 4 12 12 14	16 0 11 15 4 2 14 6 2	21 7 2 20 2 14 19 3 5	0 5	1 0 3 1	0 10 1	0 7 3	1 7 1	1 3 1	+ 3 + 6 + 9
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5 9 6 3		8 2	14 4 13 9 13 1	1 5 0	1 12 8 1 11 2 1 10 1	3 15 0 3 12 12 3 10 2	5 5 9 5 1 6 4 14 3	7 14 0 7 9 8 7 4 4	10 11 2 10 2 12 9 12 6	11 13 0 11 6 4 10 14 6	16 0 11 15 4 2 14 10 9	0 6 0 7 0 7	0 5 1	1 1 1	0 9 1	2 3 1 2 4 2	1 7 1	5 2 6 0 6 3
6 6 6 9 7 0	9 9 8	4 0	12 10 12 1 11 9	1 2 9	1 9 4 1 8 3 1 7 3	3 7 10 3 5 13 3 4 2	4 11 13 4 8 9 4 5 8	6 15 4 6 11 10 6 8 4	9 7 11 9 1 1 8 11 1	10 6 13 10 1 7 9 12 7	14 3 8 13 9 10 13 0 9	o 7 o 7 o 8	0 5 4	1 3 1	011 4	2 6 2 7 2 8	1 10	6 6 9 7 0
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A TABLE of the Affize and Price of Bread made of the feritial Grains hereunder mentioned.

This Table is divided into Seven Columns: Columns the 1st and 7ch contain the Prices of the Bulbel of Grain, the Allowance for Baking included, which Prices are adapted to as to ferve either for the Winchelter Bulbel of Oats, the Winchelter Bulbel of Bans, the Winchelter Bulbel of Mallin atta Mitcellant, confilting of Two-thirds Wheat and One-third Ryc; the Price of either of which Bulbels in the Market being kaown, the Magistrates are to add the intended Allowance thereto; the Amount of which being found either in Column N° I. or VII. the Weights which the kveral Penny, Twopenny, Sixpenny, and Twelvepenny Loaves ought to be of, will be found under Colums N° II. III. IV. and V. and the Price of the respective Peck Loaves (which are to weigh 171b. 60z. each) under N° VI.

xample, When the Price of the Bushel of Barley in the Market, with the Allowance to the Baket, is 4s, look for that Sum in Column the 1st or 7th, and under their respective Titles in the same Line will be found the Weights which the leveral Assize Barley Loaves should be of, and the Price of the Peck Barley Loaf, and so of each of the other Sorts. Example, When the Price of

Note, Where Bread is allowed at any Time to be made for Sale of Peafe only, the Affize and Price thereof are to be fet and fixed from the Bean Columns; and where Bread is ordered to be made for Sale of a coarse. Sort of Mailin or Miscellany Grain, confishing of One-third Rye, One-third Barley, and One-third either Peafe or Beans, the Affize and Price thereof art to be fet and fixed from the Barley Columns.

Note also, That this Table is framed for Bread to be made of the whole Produce of the said several Grains, except the Bran or Hull thereof only.

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(To face Page 325.)



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V. And be it further enacted by the authority aforesaid, Affize to beset That from and after the faid twenty ninth day of September, one in averdupoise thousand seven hundred and fifty eight, every office which shall weight, and in thousand seven hundred and fifty eight, every affize which shall, the proporfrom time to time, be set in any city, town corporate, hundred, tions directed divition, liberty, rape, or wapentake, in pursuance of this act, by the tables, shall be always set in averdupois weight, of sixteen ounces to for the several the pound, and not troy weight, and in the feveral proportions di- forts of bread. rected in or by the said tables above set forth, or as near the same as may be, as to the several forts of bread in this act specified; and that the faid tables shall extend as well to such bread which shall be made with the flour of wheat mixed with the flour of other grain, as also to bread which shall be made with the flour of other grain or grains than wheat, which shall be publickly licensed and allowed to be made into bread, in any place or places in pursuance of this act; and that the assize of all such mixed bread shall be set and ascertained as near as may be, according

to the faid tables. VI. And be it further enacted by the authority aforesaid, Return to be That from and after the faid twenty ninth day of September, the made weekly respective prices which the several kinds of grain, meal, and to the court of flour, fit and proper to make the different forts of bread which mayor and alshall be allowed to be made in pursuance of this act, shall, from London, by the time to time, bona fide, sell for in the markets or places in Lon- meal weighdon, where fuch grain, meal, and flour, shall be openly and pub-ers, of the lickly fold during the whole market, and not at particular times places which thereof, or on particular contracts only, shall, from time to kinds of time, be given in and certified on oath, on some certain day in grain, meal, every week, as the court of mayor and aldermen of the city of and flour, fit London shall, from time to time, appoint, by the meal weighers for bread, pubof the faid city of London, or fuch other persons as the faid court in the markets of mayor and aldermen in London, shall, from time to time, di- of the city; rect; and shall also on some certain day in every week, to be ap- the prices to pointed by the faid court of mayor and aldermen in London, be be entered by entered by fuch meal weighers, or other persons to be appointed them on a ceras aforesaid, in writing under their hands, in some book to be for book to be that purpose provided by the said city of London, and kept at the kept in the town clerk's office in the faid city: and the next day after every town clerk's fuch price shall be so given in and certified as aforesaid, the affize office; and weight of all forts of bread to be sold or exposed to sale by and price of any person within the limits of their jurisdiction, and the price bread to be to be paid for the same respectively, shall, from time to time, set the next be set by the said court of mayor and aldermen in London, if the day; faid court shall then sit, and if such court shall not then sit, by the mayor of the faid city for the time being; and that the affize and to take of bread which shall be so set in London shall take place from such place accordtime as the said court shall order, and be in force for the said ing to order, city of London and the liberties thereof, and the weekly bills of and continue mortality (the city of Westminster and liberties thereof, the bo- fize be let; rough of Southwark, and weekly bills of mortality in the county of Surry excepted) until a new or other affize of bread in London shall be set; and that after the fixing or setting of every such

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and to be publith'd forthwith. vance or reduction be made in the the meal weighers are to leave at the bakers hall a copy of the returns made that day,

that the company may have the affize be set.

mayor and aldermen, and magistrates, &c. in other may, in like returns to be the prices which the feveral forts of grain, meal, be publickly fold at in the in their jurifdictions.

affize of bread, by the faid court of mayor and aldermen of London, or the mayor of the faid city for the time being, when the faid court of mayor and aldermen of London shall not fit, the affize so from time to time set, shall, with all convenient speed after setting thereof, be made public in such manner as the faid court of mayor and aldermen shall order or direct : but Before any ad- before any advance or reduction thall in any week be made by the said court of mayor and aldermen, or the mayor of the said city of London for the time being, in the price of bread, the meal price of bread, weighers of the faid city of London for the time being, or fuch other persons as the said court of mayor and aldermen shall from time to time appoint to return the price of grain, meal, and flour, thall leave in writing at the common hall of the company of bakers in the faid city of London, a copy of every return of the price of grain, meal, and flour, which they shall make, and enter in such book to be provided and kept at the town clerk's office as aforesaid, some time of the same day on which such meal weighers or other persons shall make every such return and entry as aforesaid; to the intent that the said company of bakers time to object may the morning of the next day after every fuch return and thereto, before entry shall be made, and before any affize shall be set, from time to time, have an opportunity to offer to the faid court of mayor and aldermen, if such court shall then sit, and if such court shall not then fit, to the mayor of the faid city of London for the time being, all such objections as the said company of bakers shall have and think fit to offer against any advance or reduction being that day made in London in the price of bread.

VII. And be it further enacted by the authority aforesaid, The court of That from and after the said twenty ninth day of September, the court of mayor and aldermen of every other city, where there shall be any such court, and when such court shall sit; and where there shall be no such court, or, there being any such, when the cities, towns, same shall not sit, the mayor, bailiffs, or other chief magistrate and boroughs, or magistrates of every such other respective city; and in towns manner, cause corporate, or boroughs, the mayor, bailiffs, aldermen, or other chief magistrate or magistrates for the time being of every made them of fuch town corporate or borough; or two or more justices of the peace in fuch towns and places where there shall be no such mayor, bailiffs, aldermen, or chief magistrates; shall and may feverally and respectively, from time to time, as there shall be and flour, fit occasion, within their several and respective jurisdictions, cause for bread, shall the respective prices with the several sorts of grain, meal, and flour, fit and proper to make the different forts of bread which markets, with- shall be allowed to be made in every such other respective city, town corporate, borough, town, or place, shall, from time to time, bona fide, sell for, in the respective publick markets in or near to every such other town corporate, berough, town, or place, during the whole market, and not at particular times thereof, or on particular contracts only, from time to time be given in and certified, upon oath, unto fuch court, mayor, bailitis, aldermen, chief magistrate or magistrates, or justices, as

aforc-



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aforesaid respectively, within their several jurisdictions, in such manner, and by fuch person or persons, and on such day in every week, as any fuch respective court, mayor, bailiffs, aldermen, chief magistrate or magistrates, or justices, as aforefaid, within their respective jurisdictions, shall from time to time appoint; and the price which shall be so certified, shall, from the prices to time to time, be entered by the respective person or persons be entered and who shall certify the same in some book or books to be provided proper book, by fuch respective person or persons, and kept by him or them for that purpose: and within two days after every such price and the affize shall be so returned, the affize and weight of bread for every and price of such other respective city, town corporate, borough, town, and bread, to be place, and the price to be paid for the fame, shall, from time to set within 2 time, be fet by the court of mayor and aldermen of every fuch other days after; city where there shall be any such court, and when the same shall fit; and when fuch court shall not fit, by the mayor of every such other respective city; and where there shall be no such court of mayor and aldermen in any fuch other city, then by the mayor, bailiffs, or other chief magistrate or magistrates of every such other city; and in towns corporate, and boroughs, by the mayor, bailiffs, aldermen, or other chief magistrate or magistrates of every such town corporate, or borough; and by two or more justices of the peace in towns or places where there shall be no such mayor, bailiffs, aldermen, or chief magistrate or magistrates: and the affize and weight of bread, and price to be paid for the fame, which shall be so from time to time set in every such other city, and in every town corporate, or borough, and in every town and place where there shall be no such mayor, bailiffs, aldermen, or chief magistrate or magistrates, as aforesaid, shall commence and to take and take place on such day in every week, and be in force for place, and fuch time, not exceeding seven days from the setting of every continue (not fuch affize, and shall be made publick in such manner, as such exceeding 7 court of mayor and aldermen in every fuch other city where there be published, shall be any such court, and when the same shall sit; and where as the court or there shall be no such court of mayor and aldermen, or there be- magistrates ing any fuch, when the same shall not sit, as the mayor, bailiffs, shall direct. or other chief magistrate or magistrates, as aforesaid, of every fuch other city; and as the mayor, bailiffs, aldermen, or other chief magistrate or magistrates, as aforesaid, of every such town corporate, or borough; and in towns and places where there shall be no such mayor, bailiffs, aldermen, or chief magistrate or magistrates, as aforesaid, as any such two justices, as aforesaid, shall, within their respective jurisdictions, from time to

time direct. VIII. And be it further enacted by the authority aforesaid, Two or more That from and after the faid twenty ninth day of September, if justices withany two or more justices of the peace of counties at large, rid-dictions, may ings, or divisions, shall at any time think fit to set an assize of set an assize of bread, for any place or places within the limits of their respect- bread, and ive jurisdictions, then, and in any such case, it shall be lawful cause returns for any such two or more justices, within the limits of their re- to be made by

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the price at which grain, meal, and flour, fhall be there fold;

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the returns to be made on a certain day,

and to be ened in a book in 2 days after, and to continue (not exceeding 14 be published as shall be ordered.

the returns, the day after be made,

that they may have time to object to the duction to be made in the fize be fet.

ing markets of spective jurisdictions, to cause the price which grain, meal, and flour, fit to make the several forts of bread which shall be made for fale in any fuch place or places, thall, from time to time, bona fide, sell for in the respective public corn market or corn markets, in or near any fuch place or places respectively, during the whole market, and not at particular times thereof, or on special contracts only, to be from time to time given, and certified on oath, to them at their respective houses or places of abode, in any fuch county, riding, or division, on such day in every week, as any such two or more justices shall for that purpose fix on and appoint, by the respective clerks of the market of the several markets in or near such respective place or places, or fuch other person or persons as any fuch two or more justices as aforesaid respectively, within their respective jurisdictions, shall for that purpose appoint; and that the price of grain, meal, and tered and fign- flour, which shall be so returned, shall, from time to time, be entered by the respective person or persons who shall so return to be kept for the same, in some book or books to be provided by him or them, that purpose; and kept for that purpose; and within two days after any such price of bread return of the price of grain, meal, and flour, shall be made, to be set with- to any such two or more justices, as aforesaid, the price and asfize of bread may be by them, or any two of them, fet for every fuch place or places, for any time not exceeding fourteen days from every fetting thereof: and the affize which shall be so from days) and to time to time set, shall commence and be in force, at such time commenceand after every fetting thereof, and be made public in fuch place or places for which the same shall be so set, in such manner as the justices who shall set the same, shall order or direct.

IX. And be it further enacted by the authority aforesaid, Bakersmaysee That any maker of bread for sale in any such other city, town corporate, borough, or place, where the price and affize of bread, the same shall in pursuance of this act, shall at any time be thought proper to be set, shall have liberty, at all seasonable times, in the day time, the next day after every return of the price of grain, meal, and flour, shall be made for any such other city, town corporate, borough, town, or place, and entered in the proper book hereby directed to be provided and kept for that purpose, to see the entry which shall be made in such book, of the price of grain, meal, and flour, without paying any thing for the same; to the intent that every fuch maker of bread for fale, may have an opportunity on the faid next day after any such entry as aforesaid advance or re- shall be made as hereby is directed, to offer to any such court, mayor, bailiffs, aldermen, or other chief magistrate or magiprice of bread, strates, or justices, as aforesaid, who shall think fit to set any before the af- fuch affize of bread within their respective jurisdictions, and before any fuch affize shall be set, such objections as any such maker of bread for fale can reasonably make against any advance or reduction being at any time made in the affize or price of bread in any fuch other city, town corporate, borough, town, or place.

X And be it further enacted by the authority aforesaid,

That



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That no baker or maker of bread for sale shall be liable or Baker not lia. compellable to pay any fee, gratuity, or reward, to any per-ble to pay fees fon or persons for, or by means of, any affize of bread being at on account of the affize of any time set, altered, or published, by virtue of, or under bread. this act.

XI. And be it further enacted by the authority aforesaid, Form of the That the form of the return, or the certificate of the price of returns to be grain, meal, or flour, shall, from time to time, be to the pur- made of the price of grain, port or effect as followeth; that is to fay, meal, or flour.

The prices of market in	grain,	meal,	and flour, as	fold in the corn
manace m	Ala a			of
	the		day of	17
The best wheat -	_	_	- at	by the bushel.
The fecond -	_	-	- at	by ditto.
The third -	_	-	- at	by ditto.
The best wheaten f	lour	_	- at	by the fack.
Houshold flour	-	_	- at	by ditto.
Rye		_	- at	by the bushel.
Rye meal, or flour,	_	_	- at	by the bushel.
Barley	_	_	- at	by ditto.
Barley meal -	-	_	- at	by ditto.
Oats	_	_	- at	by ditto.
Oatmeal		_	- at	by artic.
White peas -	_	_	- at	by the bushel.
White pea flour, or	meal.	-	- at	by
Beans		_	- at	by the bushel.
Bean meal, or flour	, -	-	- at	by

To every of which returns the person or persons, who shall be Returns to be appointed to make the same, shall, from time to time, sign their signed. respective names or marks.

XII. And be it further enacted by the authority aforesaid, Form of publication of the That when an affize of bread shall at any time be set in pursu- lication of the ance of this act. the same shall be made public in the form or affize of bread. ance of this act, the same shall be made public in the form or to the effect following; that is to fay,

To wit,	The affize of	bread, set the	day of
	on the next enfuing, faid	day of and to be in force	to take place now for the

And in places where penny, twopenny, fixpenny, twelvepenny, and eighteenpenny loaves, shall be made, as followeth;

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	16. oz. dr.
The penny loaf wheaten is to weigh	
The twopenny loaf wheaten is to weigh Ditto houshold is to weigh	
The fixpenny loaf wheaten is to weigh Ditto houshold is to weigh	
The twelvepenny loaf wheaten is to weigh Ditto houshold is to weigh	
The eighteenpenny loaf wheaten is to weigh - Ditto houshold is to weigh	

And in places where quartern, half peck, and peck loaves shall be made, then as follows;

	1 16.				5.	d.
The peck loaf wheaten }	1-	-	-	and is to be		1-1
is to weigh 5 Ditto houshold is to 7	ł	į	i	fold for -	100	l i
weigh }				fold for -		1 1

Half peck, and quartern loaves to weigh, and be fold, in due proportion to the peck loaf. Magistrate to direct how the affize of rye, barley, or mixed bread, when order'd to be made, shall be pub. lished.

Where bread of a certain and value shall be ordered, or allowed to be denomination is to be fold at the fame time,

And the half peck and quarter of a peck loaves of wheaten and houshold bread are to weigh, from time to time, in proportion to the weight a peck loaf of wheaten or houshold bread ought to weigh, and are to be fold according to the price a peck loaf of wheaten or houshold bread respectively is to be sold; and whenever any bread thall be ordered to be made by any fuch magistrate or magistrates, or justices, within the limits of their jurisdiction, with the meal or flour of rye, barley, oats, peas, or beans, either alone, or mixed with the meal or flour of any other grain or grains, the affize of fuch bread shall be made public in such manner as the said magistrate or magistrates, or justices, who shall set such assize, shall, from time to time, direct.

XIII. And be it also enacted by the authority aforesaid, That in places where any fixpenny, twelvepenny, and eighteenpenny denomination loaves shall at any time be ordered or allowed to be made or fold, no peck, half-peck, or quarter of a peck loaves shall be permitted or allowed at the same time to be there made or sold; to the made, nobread intent that one of those sorts of loaves of bread may not be fold of a different defignedly, or otherwise, for the other fort thereof, to the injury of unwary people; upon pain that every one who shall offend in the premisses, and shall be thereof convicted in manner herein after prescribed, shall, for every such offence, forfeit a sum under penalty not exceeding forty shillings, nor less than twenty shillings, as

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the magistrate or magistrates, justice or justices, before whom not exceeding any such offender shall be convicted, shall from time to time 40s. nor less think fit.

XIV. And be it further enacted by the authority aforesaid, The justices, That if, for the better carrying into execution this act, the ju- at a general or stices of the peace of any county, riding, or division, shall, at quarter sesany general or general quarter sessions of the peace to be held by sions, may fix them for any fuch county, riding, or division, think fit to af- the jurisdiction of any hundred certain or fix, that any hundred or hundreds, or other place or or place within places, in any such county, riding, or division, ought to be esti- a certain dimated or considered, as of, or in, any one particular hundred, strict, so as the riding, or division, of any such county, riding, or division, in assize of bread order that the assize of bread which shall be for such parties fet for the same order that the affize of bread which shall be set for such particu- may extend lar hundred, place or places, may extend to or comprize such thereto. other hundred, place or places, then, and in any such case, it shall be lawful for them so to do; but by so doing thereof, no justice of the peace of any such county, riding, or division, shall be excluded or debarred from acting as a justice of the peace in any hundred, riding, or division of any such county in which any fuch particular towns, districts, or places shall lie, or the

affize for them shall be set. XV. And be it likewise enacted by the authority aforesaid, Entry to be That an entry shall, from time to time, be made by every clerk made by every of the market, or other person or persons who, in pursuance of clerk of the this act, shall be appointed to make such return and certificate proper books, as hereby is directed respectively, in some book or books to be of the returns provided and kept by them respectively for that purpose, of every made by him, return which shall be made, in pursuance of this act, by them respectively; and also of the rate at which the price, assize, and and of the rate weight of bread shall, from time to time, be set or fixed within the affize and the jurisdiction of every such clerk of the market, or other per- price of bread sons who shall, in pursuance of this act, be appointed to make shall be set at fuch return or certificate as aforesaid; which book or books any from time to inhabitant of every fuch city, town corporate, borough, fran- the faid books chise, hundred, riding, division, liberty, lath, rape, or wapen- to be open to take, shall, at all seasonable times in the day-time, have liberty the inspection to see and inspect, without any see or reward being to be paid of any inhabifor the lame.

XVI. And be it also enacted by the authority aforesaid, No alteration That after an assize of bread shall, at any time after the said is to be made twenty ninth day of September, be set, no alteration shall be made in affize of therein in any subsequent week, either to rise the same higher, or bread, unless to fink the same lower, unless and except when the price of the price of wheat, or other grain, shall be returned as having rose three wheat, or opence each bushel, more than the last return made, or having shall vary 3d. fallen three pence each bushel lower than the said last return; in the bushel no provision being made by the said affize tables for altering any from the last affize, when the variation in the price of wheat, or other grain, shall not in any week have amounted to, and have been returned three pence a bushel.

XVII. And be it likewise enacted by the authority aforesaid,

Any meal weigher, clerk of the market, &c. who shall ty, or make a falle return;

and any peace officer, who shall disobey the warrant of any magistra:e, or justice, or lect his duty,

forfeit not exleis than 205.

Any buyer, er, who shall refuse to dilclerks of the markets, &c. in other places, and flour, fhall be bought or fold at in the publick market,

five price,

ceeding tol. nor lefs than 403.

That if any meal weigher, clerk of any market, or other person or persons who shall be appointed to certify or return, as hereby is directed, the price of grain, meal, and flour, shall in any wife neglect his du- neglect, omit, or refuse to do, any matters or things by this act required or directed to be done by him or them respectively, or shall designedly or knowingly make any false certificate or return; or if any constable headborough, or other peace officer, shall refuse or neglect to observe or obey any warrant in writing which shall be delivered to him under the hand and seal of any magistrate or justice of the peace, or to do any other act requisite to be done by him or them for the carrying this act, or any of the otherwise neg. powers or authorities hereby given, into execution; then every person so offending in any of the premisses, on being convicted of any fuch offence, shall forfeit and pay for every such offence, any ceeding 51. nor fum not exceeding five pounds, nor less than twenty shillings, as the magistrate or magistrates, justice or justices, before whom any fuch offender or offenders shall be convicted, shall think fit and order, every time he or they shall so offend and be convicted,

as hereby is directed.

XVIII. And be it further enacted by the authority aforesaid, feller, ordeal. That in case any buyers or sellers of, or dealers in corn, grain, meal, or flour, at any time after the faid twenty ninth day of September, on reasonable request to him, her, or them made by meal weighers the meal weighers of the city of London in London, or by the in London, or respective clerks of the markets, or other persons, who, in purfuance of this act, shall be appointed to give in and certify, as hereby is directed, the prices of grain, meal, and flour, from the the true prices respective markets or places within their respective jurisdictions, the feveral forts shall refuse to disclose and make known to such meal weighers, of grain, meal, clerks of the markets, or other persons, who shall be appointed to make fuch returns and certificates as hereby are directed respectively, and also shall request the same within their respective jurisdictions, the true real prices the several forts of grain, meal, and flour, shall be bona fide bought at, or fold, by or for him, her, or them respectively, at any corn market or corn markets, or other place, where corn, grain, meal, or flour, is or shall be usually, openly, or publickly fold, within the jurisdiction of any fuch person or persons as aforesaid, who shall request any such or shall give in account to be given to him or them; or shall knowingly give a false or collu- in to any such meal weigher, elerk of the market, or other person, who shall be appointed in pursuance of this act, to give in and certify the price of grain, meal, and flour, any false or untrue price or prices of any grain, meal, or flour, bought or fold, or agreed so to be, or any price which hath been made by any deceitful means; then, and in every fuch case, he, she, or they, so offending, on being convicted of any such offence by the oath of one or more credible witness or witnesses, or solemn affirmation of any credible witness or witnesses, being a Quaker, or on forfeit not ex- the confession of the party accused, shall forfeit any sum not exceeding ten pounds, nor less than forty shillings, as the magistrate or magistrates, justice or justices, before whom any such offen-



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fender or offenders shall be convicted, shall think fit and order, every time he, she, or they, shall so offend, and be convicted of

any luch offence.

XIX. And be it further enacted by the authority aforesaid, Where any That if any fuch court, magistrate or magistrates, justice or ju-false return flices as aforesaid, who shall have thought proper to have or- shall besuspectdered any return to be made of the price of grain, meal, or flour, ed to be made, within their respective jurisdictions, thall, at any time within the giftrate, or juspace of three days after any such return shall have been made, stice, may, fuspect that the same was not truly and bona fide made, then, within 3days, and in any such case, it shall be lawful for any such court, buyer, or selmagistrate or magistrates, justice or justices, within their ler, or other respective jurisdictions, to summon before them respectively, any person, likely person or persons who shall have bought or sold, or shall be suf- to give inforpected to have bought or fold, or agreed to buy or fell, any mation. grain, meal, or flour, within their respective jurisdictions, or who shall be thought to be likely to give any information con- them upon cerning the premisses, and to examine them respectively upon oath, touching their feveral oaths, touching the rates and prices the feveral the prices of forts of grain, meal, and flour, or any of them, were there really grain, meal, and bona fide bought at, or fold for, or agreed fo to be by him, and flour, her, or them respectively, at any time or times within the space before; of feven days preceding the fummoning of him, her, or them respectively: and if any person or persons who shall be so sum- and any person moned as aforesaid, shall neglect or refuse to appear on such who shall not fummons (and proof shall be made on oath of such summons appearthereto, having been duly served upon him, her, or them for that purpose) cause shewn. or if any person or persons so summoned shall appear, and neglect or shall retuse or refuse to answer such lawful questions touching the premisses, to give evias shall be proposed to him, her, or them by any such court, dence, magistrate or magistrates, justice or justices as aforesaid, within their respective jurisdictions, without some just or reasonable excuse, to be allowed of by any such court, magistrate or magistrates, justice or justices as aforesaid, he, she, or they so offending, on being convicted of any fuch offence, either by the oath of one or more credible witness or witnesses, or his, her, or their own confession, before any court, magistrate or magistrates, justice or forfeits not justices, shall, on every such conviction, forfeit and pay any sum exceeding rol. not exceeding ten pounds, and not less than forty shillings, as nor less than any such court, magistrate or magistrates, justice or justices, thall and forswearthink fit and order: and if any person, who shall be so examined ing himself, on oath, shall wilfully forswear him or herself, every such person incurs the pe. shall be subject and liable to be prosecuted as for perjury, by nalties of perindictment or information by due course of law; and, if con-jury. Party sumvicted, shall be liable to the penalties persons convicted of wilful moned, not oand corrupt perjury are subject and liable to; provided that the bliged to traparty or parties fo fummoned be not obliged to travel above five vel above 5 miles from the place or places of his, her, or their above.

XX. And be it further enacted by the authority aforefaid, abode, That whenever any court as aforefaid, magistrate or magistrates, or justices of the peace, shall order any bread to be made within their

When an or. der shall be made for making bread for fale of any other grain than wheat, or of mixed

meal or flour,

form to luch order, and make the bread of fuch weight and as shall therein be directed, on penalty of forfeiting not exceeding 51. nor less than

40s. The feveral forts of bread are to be always well made, and, in their degrees; acgoodness of the forts of meal or flour the be made of, without any adulteration or mixture, except the genuine meal or flour, falt, water, eggs, milk, yeaft, and barm, or 405.

their respective jurisdictions, of or with the flour or meal of any other grain or grains than wheat, or to be mixed with the flour of wheat, or to be made with the flour or meal of any other fort or forts of grain or grains, either separate or mixed together, all persons who shall make any bread for sale, in any place where any fuch order or orders shall at any time be made, shall, from time to time, make bread with fuch mixed meal or flour, in every fuch place and places, in fuch manner as they shall be required and ordered by any such court, magistrate or magistrates, or ju-Bakers to con- stices as aforesaid, within their respective jurisdictions, and shall. from time to time, make the same of such weight and goodness, and shall fell the same at such prices, as any such court, magistrate or magistrates, or justices, within their respective jurisdictions, shall, from time to time, order or direct; upon pain that goodness, and every person who shall at any time offend in the premisses, and at such price, thall be convicted of any such offence in the manner herein after prescribed by this act, shall forfeit any sum not exceeding five pounds, nor less than forty shillings, as the magistrate or magistrates before whom any such offender or offenders shall be convicted shall think fit and order, every time he, she, or they shall so offend and be convicted.

XXI. And be it further enacted by the authority aforefaid, That from and after the twenty fourth day of June, one thousand made for sale, seven hundred and fifty eight, the several sorts of bread which shall be made for sale, or sold, or exposed to or for sale, in any place or places, shall always be well made, and in their several and respective degrees, according to the goodness of the several cording to the forts of meal or flour whereof the same ought to be made; and that no allum, or preparation or mixture in which allum shall be an ingredient, or any other mixture or ingredient whatfoever fame ought to (except only the genuine meal or flour which ought to be put therein, and common falt, pure water, eggs, milk, yeaft, and barm, or fuch leaven as shall at any time be allowed to be put therein by the court, or person or persons who shall, by virtue of this act, have fet an affize of bread, for the place or places where any fuch leaven shall be used, and where no such affize shall have been set, then such leaven as any magistrate or magistrates, justice or justices of the peace, within his or their jurisdiction, shall allow to be used in making of bread) shall be put into, fuch leaven as or in any wife used in making dough, or any bread to be fold, or as shall be occasi- or for leaven to ferment any dough, or on any other account, in the onally allowed; trade or mythery of making bread, under any colour or pretence upon penalty trade or mystery of making bread, under any colour or pretence of the offender whatsoever, upon pain that every person (other than a servant or forfeiting (not journeyman) who shall knowingly offend in the premisses, and being the fer- shall be convicted of any such offence, either by his, her, or neyman) not their own confession, or by the oath of one or more credible exceeding 101. witness or witnesses, before any such magistrate or magistrates, nor less than justice or justices of the peace, within the limits of his or their jurisdiction, shall, on every such conviction, forfeit and pay any sum of money not exceeding ten pounds, and not less than forty shillings; or shall, by warrant under the hand and seal, or hands and seals,

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of any fuch magistrate or magistrates, justice or justices, within or being comhis or their respective jurisdiction, be apprehended and committed mitted, and to the house of correction, or some prison of the county, city, labour for any town corporate, borough, riding, division, or place, where the time not exoffence shall have been committed, or the offender or offenders ceeding one shall be apprehended, there to remain and be kept to hard la-month, nor bour for any time not exceeding one calendar month, nor less days; than ten days, from the time of such commitment, as any such magistrate or magistrates, justice or justices, shall think fit and order; and if any servant or journeyman baker shall knowingly and if the ofoffend in the premisses, and shall be convicted of any such offence, fender be a sereither by his, her, or their own confession, or by the oath of one neyman, on or more credible witness or witnesses, before any such magi- penalty of his strate or magistrates, justice or justices of the peace, within the forfeiting not limits of his or their jurisdiction, he, she, or they who shall so exceeding 51. offend, shall, on every such conviction, forfeit and pay any sum nor less than of money not exceeding five pounds, and not less than twenty or being comshillings; or shall, by warrant under the hand and seal, or hands mitted, and and feals, of any fuch magistrate or magistrates, justice or justices, kept to hard within his or their respective jurisdiction, be apprehended and labour for any committed to the house of correction, or some prison of the time not excounty, city, town corporate, borough, riding, division, liberty, month, nor or place, where the offence shall have been committed, or the less than 10 offender or offenders shall be apprehended, there to remain and days; be kept to hard labour for any time not exceeding one calendar month, nor less than ten days, from the time of every such commitment, as any fuch magistrate or magistrates, justice or justices, and the magishall think fit and order; and it shall and may be lawful for the of the money magistrate or magistrates, justice or justices, before whom any of the sorfeisuch offender shall be convicted, out of the money forfeited, ture, when recovered, to cause the offender's name, place of abode, publish in some and offence, to be published in some news paper, which shall the offender's be printed or published in or pear the country and the offender's be printed or published in or near the county, city, or place, name, place of where any such offence shall have been committed.

XXII. And be it further enacted by the authority aforesaid, fence. That from and after the faid twenty ninth day of September, no adulterating person shall knowingly put into any corn, meal, or flour, which corn, meal, or shall be ground, dressed, bolted or manufactured for sale, either flour, whether at the time of grinding, dreffing, bolting, or in any wife manu- at the time of facturing the same, or at any other time or times, any ingredient, dressing, or mixture, or thing whatfoever; or shall knowingly sell, offer, or bolting, &c. expose to or for sale, any meal or flour of one sort of grain as or or of selling for the meal or flour of any other fort of grain, or any thing as the meal or or for, or mixed with, the meal or flour of any grain, which fort of grain shall not be the real and genuine meal or flour of the grain the tor another same shall import to be and ought to be, upon pain that every fort; person who shall offend in the premisses, and shall be thereof con- or any thing victed in manner herein after prescribed, shall forfeit and pay shall not be of for every such offence, any sum not exceeding five pounds, nor the genuine less than forty shillings, as the magistrate or magistrates, ju- meal or flour

abode, and offlice of the grain the fame is fold for;

stice or justices, before whom any such offender or offenders shall is not to exceed 51. nor be be convicted, shall think fit or order.

less than 40s. Where bread shall beof a ture of corn of, or isallowed, or where the proportion of the mixture allowed of shall not be or where any thing shall be fold as flour, which is not genuine, the offender is to forfeit not exceeding 51. nor less than 20S.

Where bread shall be made

the offender leis than is. for every oz. deficient. and if under nor less than 6d.

bread complained of, if in any city, town corporate, or bo rough, he weighed before the magior exposed to fale;

XXIII. And be it further enacted by the authority aforesaid, That from and after the said ninth day of September, no person different mix- thall knowingly put into any bread which shall be made for sale, any mixture of meal or flour of any other fort of grain than of the imported to be grain the same shall import to be, and shall be allowed to be made of, in pursuance of this act; or shall put into any bread which shall be made for sale, any larger or other proportion of any other or different fort or forts of grain, or the meal or flour thereof, than what shall be appointed or allowed to be put therein by this act; or any mixture or thing as for or in lieu of flour, which shall not really be the genuine flour the same shall import duly observed, to be, and ought to be; upon pain that every person who shall offend in the premisses, and shall be convicted of any such offence in manner herein after prescribed, shall forfeit and pay any fum not exceeding five pounds, nor less than twenty shillings, as the magistrate or magistrates, justice or justices, before whom any such offender or offenders shall be convicted, shall think fit and order, every time he, she, or they, shall so offend, and be convicted.

XXIV. And be it further enacted by the authority aforesaid, That if any person or persons who shall make any bread for sale, under weight, or who fend out, or fell, or expose to or for sale, any bread, shall at any time from and after the faid twenty ninth day of September, make, fend out, fell, or expose to or for sale, any bread which shall be deficient in weight, according to the affize which shall be set for any such bread, from time to time to be fold at, in pursuance of this act, he, she, or they, so offending in the preforfeits not ex- misses, and being thereof convicted in manner herein after preceeding 58 nor scribed of any such offence, shall forfeit and pay a sum not exceeding five shillings, nor less than one shilling, for every ounce of bread which shall at any time be wanting or deficient in the weight every such loaf ought to be of; and for every loaf of an oz. not ex- bread which shall be found wanting less than an ounce of the ceeding 25.6d. weight the same ought to be of, a sum not exceeding two shillings and fix pence, nor less than fix pence; as any such magistrate or magistrates, justice or justices, before whom any such bread which shall not be of the due weight the same ought to be, shall be brought, shall think fit or order, so as such bread which shall provided such be complained of as wanting at any time in the weight the same ought to be of, in any city, town corporate, borough, liberty, or franchise, or the jurisdiction the reof, or within the weekly bills of mortality, shall from time to time be brought before some magistrate or magistrates, justice or justices, having jurisdiction in the premisses, and shall be weighed before such magistrate or magistrates, justice or justices, within twenty four hours after the fame shall have been baked, fold, or exposed to or for sale; and 24 hours after so as such bread which thall be complained of as wanting at any the same shall time in the weight the same ought to be of, in any hundred, be baked, fold, riding, divition, liberty, rape, wapentake, or place, shall from

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time to time be brought before some justice or justices of the and if in any peace of fuch hundred, riding, divition, liberty, rape, or wapen-hundred, ridtake, or other place, and shall be weighed before such justice or fion, &c. justices within three days after the same shall have been baked, within 3 days fold, or exposed to or for sale; unless it shall be made out to the of the baking, fatisfaction of any such magistrate or magistrates, justice or ju- or sale thereof; slices, by or on the behalf of the party or parties against whom unless such destices, by or on the behalf of the party or parties against whom ficiency arose any fuch complaint or information shall be made, that such de- from some unficiency in weight wholly arose from some unavoidable accident avoidable acin baking, or otherwise, or was occasioned by or through some cident, or by

contrivance or confederacy. XXIV. And be it further enacted by the authority aforesaid, That from and after the faid twenty ninth day of September, every All bread person who shall make for sale, or sell, expose, or send out, to or made for sale, for fale, any fort of bread whatfoever, thall, from time to time, is to be fairly cause to be fairly imprinted or marked on every loaf of each marked; respective fort of bread which he, she, or they, shall make or fell, or carry out, or expose to or for sale, the roman letters herein after-mentioned; that is to fay, Upon every loaf of the wheaten bread which shall be made, fold, carried out, or exposed to or bread with a for fale, as wheaten bread, a large roman W; and upon every large roman loaf of bread which shall be made fold associated as the whole which shall be made fold associated as the same with the work of the work o loaf of bread which shall be made, sold, carried out, or exposed hold with H, to or for fale, as household or brown bread, a large roman H; and that every person who shall make for sale, or shall fell, carry out, or expose to or for sale, any loaf of any fort of bread, which shall be allowed to be made in pursuance of this act, which shall not be marked pursuant to the directions of this act, so as the in order to asfame may, on the view thereof, be ascertained, from time to certain under time, under what denomination or fort of bread every such loaf what denomiwas made, and ought to be weighed (except as to such loaves made, and which shall be rasped after the bespeaking or purchasing thereof, ought to be by the particular defire of any person who shall order the same weighed, to be so rasped, for his, her, or their own use or uses) shall, for under penalty every time he, she, or they, shall offend in the premisses, and 20s. nor less be thereof convicted in manner herein after prescribed, forfeit and than 55. pay a fum not exceeding twenty shillings, nor less than five shillings, as any magistrate or magistrates, justice or justices, before whom the offender shall be convicted, shall direct, for every

XXV. And be it further enacted by the authority aforciaid, Bakers de-That from and after the faid twenty ninth day of September, no manding or baker, or other person or persons, thall ask, demand, or take, taking a higher for any bread which he, she, or they, shall fell, or expose to or price for bread than what the for fale, any greater or higher price than fuch bread shall be at- fame shall be certained to be fold for or at by the court, magistrate or magi- fet at by the frates, or justices, hereby authorized to set the price and allize allize; of bread, within their respective jurisdictions; and that no baker, or retainer to or other person who shall make any bread for sale, shall result or son any of the decline to fell any loaf or loaves of any of the forts of bread forts allowed which, in pursuance of this act, shall be allowed or ordered to or ordered to be made, to any person or persons who thall tender ready mo- be made;

loaf of bread not marked as hereby is directed.

contrivance or confederacy.

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when he shall have more than is necelfary for immetamily or cu-Homers;

forfeits not nor less than IOS.

Bread of any tv to wheaten, is not to be fold at a higher price than hou!hold bread is let at,

on penaity of 203.

Magistrates, justines, or peace officers, properly auenter in the day time, the houses, mops, are of bakers, and learch for, and weigh, the bread therein;

in guodnete, das beking. or wright, ly 'alatked,

ney in payment for the same, at or for the price such bread, by the affize which shall have been set in respect thereof, shall be fixed at, or afcertained to be fold for, when any fuch baker, or other person who shall make bread for sale, shall have any loaf of any fuch bread in his or their house, bakehouse, shop, or diate use of his possession, to be sold, more than shall be requisite for the immediate necessary use of his, her, or their own family, or customers; and which it shall be incumbent on such baker, or other person who shall be complained of, for refusing or declining to fell any fuch bread, to prove before the magistrate or magistrates, justice or justices, to whom any such complaint shall be made, if thereunto required by the party or parties who shall make any such complaint; upon pain that every person who exceeding 40s. shall be convicted of any such offence, in manner herein after prescribed, shall forfeit and pay a sum not exceeding forty shillings, nor less than ten shillings, as the magistrate or magistrates, justice or justices, before whom any such offender or offenders shall be convicted, shall think fit and order, every time he, she, or they, shall so offend and be convicted.

XXVI. Provided further, and it is hereby likewise enacted, interior quali- That from and after the faid twenty ninth day of September, no person shall sell, or offer to sale, any bread of an inferior quality to wheaten bread, at a higher price than household bread shall be let at by the affize; and if any person shall offend in the premisses, he thall forfeit and pay for every such offence, on being convicted thereof, either by his, her, or their confession, or by the oath of one or more credible witness or witnesses, before any magistrate or magistrates, justice or justices, within whole jurifdiction any fuch offence shall have been committed,

the fum of twenty shillings. XXVII. And, that the good design of this statute may be the more effectually accomplished, be it further enacted by the authority aforefaid, That from and after the faid twenty ninth day of September, it thall be lawful for any magistrate or magistrates, justice or justices of the peace, within the limits of their respecthorized, may tive jurisdictions, and also for any peace officer or officers, authorized by warrant under the hand and feal, or hands and feals, of any fuch magistrate or magistrates, justice or justices; and which warrant any fuch magnifrate or magistrates, justice or justices, is and are hereby impowered to grant; at feafonable times in the day time, to enter into any house, shop, stall, bakehouse, warehouse, or outhouse, of or belonging to any baker, or seller of bread, to fearch for, view, weigh, and try, all or any the bread which shall be there found: and if any bread, on any such fearch, shall be found to be wanting either in the goodness of the and may seize stuff whereof the same shall be made, or to be deficient in the tach as thalibe due baking or working thereof, or thall be wanting in the due found wenting weight, or thali not be truly marked according to the directions or this act, or fhail he of any other fort of bread than thall be allowed to be made by virtue of this act; any fuch magistrate or or not proper- magistrates, justice or justices, peace officer or peace officers,

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within the limits of their respective jurisdictions, may seize theor of any diffame; and any fuch magistrate or magistrates, justice or justices, terent fort may dispose thereof as he or they, in his or their discretion, ed of,

shall think fit. XXVIII. And be it further enacted by the authority aforesaid, thereof attheir That if, at any time after the faid twenty ninth of September, discretion. information shall be given, on oath, to any magistrate or magi-miller, mealstrates, justice or justices of the peace, that there is reasonable man, or baker, cause to suspect that any miller who grinds any grain for toll or shall be sufreward, or any person or persons who doth or do dress, bolt, or pected of in any wife manufacture any meal or flour for fale, or any ma- adulterating meal or flour, ker of bread for sale, within the limits of the jurisdiction of any fuch magistrate or magistrates, justice or justices, doth or do mix up with, or put into, any meal or flour ground or manufactured for fale, any mixture, ingredient, or thing whatfoever, not the genuine produce of the grain fuch meal or flour shall import and ought to be, or whereby the purity of any meal or flour, in the possession of any such miller, mealman, or baker, is or shall be in any wife adulterated; then, and in every such the magistrate case, it shall be lawful for any such magistrate or magistrates, &c. upon injustice or justices, and also for any peace officer or officers, au formation thorized by warrant or warrants to him or them directed, under on oath, may the hand and feal, or hands and feals, of any magistrate or ma- enter the pregistrates, justice or justices, within the limits of their respective misses of such jurisdictions: and which warrant or warrants every such magi- suspected per-frate and magistrates, justice and justices, is and are hereby im- and make powered to grant; at all seasonable times in the day time, to search, or may enter into any house, mill, shop, bake-house, stall, bolting- grant a search house, pastry, warehouse, or out-house, of or belonging to any warrant to fuch miller, mealman, or baker, and to fearch and examine whe- officer; ther any mixture, ingredient, or thing, not the genuine produce of the grain such meal or flour shall import and ought to be, shall have been mixed up with, or put into, any meal or flour in the possession of any such miller, mealman, or baker, either in the grinding of any grain at the mill, or in the dreffing, bolting, or manufacturing thereof, or whereby the purity of any meal or flour is or shall be in any wife adulterated : and if on any and such meal fuch fearch it shall appear that any offence hath been committed and flour as in any mill, bolting-house or other place allowed to be search shall be deemin any mill, bolting-house or other place allowed to be search- ed to have ed, contrary to the true intent of this act; then, and in every been adulterafuch case, it shall and may be lawful to and for any magistrate ted, may be or magistrates, justice or justices of the peace, officer or officers, seized together authorized as aforesaid respectively, within the limits of their mixtures and respective jurisdiction, to seize and take any meal or flour which ingredients; shall be deemed, on any such search, to have been adulterated, it seized by a and all mixtures and ingredients which shall be found and deem- peace officer, ed to have been used, or intended to be used, in or for any such it is to be caradulteration; and fuch thereof as shall be seized by any peace magistrate; officer or officers authorized as aforefaid, thall, with all convenient speed, after seizure thereof, be carried to some magistrate or magistrates, justice or justices of the peace, within the limits

and dispose

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it icized by or adjudged by him to be adulterated.

and the miller, meaiman, or baker, in whoic premiffes fuch mixfound, and adjudged to be intended to be used in adulterating, is to forfeit upon conviction, not exceeding rol. nor less than 40 s.

unless it be made appear, that the same were not lodged there with fuch intention, but for iome other lawful purpole;

and part of the offender's name, place the offence.

Persons obftructing or opposing any fearch or fei-Zure AL Rfore

of whose jurisdiction the same shall have been so seized : and if any the magistrate magistrate or magistrates, justice or justices of the peace, who shall make any seizure in pursuance of this act, or to whom any thing feized under the authority of this act shall be brought, shall adjudge that any mixture or ingredients, not the genuine produce of the grain any fuch meal or flour which shall have been so seized, shall import and ought to be, shall have put into any fuch meal or flour, or that the purity of any fuch meal or flour so seized, was adulterated by any mixture or ingredient he may dispose put therein; then, and in any such case, every such magistrate thereof as he or magistrates, justice or justices, is and are hereby required, thinks proper; within the limits of their respective jurisdiction, to dispose of the same as he or they, in his or their discretion, shall, from time

to time, think proper.

XXIX. And be it further enacted by the authority aforelaid, That every miller, mealman, baker, or feller of bread as aforefaid, in whose house, mill, shop, bake-house, stall, boltinghouse, pastry, warehouse, out-house, or possession, any mixture ture or ingre- or ingredient shall be found, which shall be adjudged by any dients shall be magistrate or magistrates, justice or justices, to have been lodged there, with an intent to have adulterated the purity of meal, flour, or bread, shall, on being convicted of any such offence, either by his, her, or their own confession, or by the oath of one or more credible witness or witnesses, before any such magistrate or magistrates, justice or justices of the peace, within whose jurisdiction any such offence shall have been committed, forfeit and pay for every such offence, a sum not exceeding ten pounds, nor less than forty shillings, as the magistrate or magistates, justice or justices, before whom any such offender or offenders shall be convicted, shall think fit and order; unless the party or parties charged with any such offence, shall make it appear to the satisfaction of the magistrate or magistrates, justice or justices, who shall find or seize any such mixture or ingredients, or before whom the same shall be brought, that such mixture or ingredients was or were not brought or lodged where the same was or were found or seized, with any design or intent to have been put into any meal or flour, or to have adulterated therewith the purity of any meal or flour, but that the same was in the place or places in which the same shall have been so found or seized as aforesaid, for some other lawful purpose: and forfeiture may it shall and may be lawful for the magistrate or magistrates, jusbe applied in tice or justices, before whom any such offender shall be convictpublishing the ed, out of the money forfeited, when recovered, to cause the offender's name, place of abode, and offence, to be published of abode, and in some news paper which shall be printed or published in or near the county, city, or place, where any fuch offence shall have been committed.

XXX. And be it further enacted by the authority aforciaid, That if any person or persons shall wilfully obstruct or hinder any fearch as herein before is authorized to be made, or the feizure of any bread, or of any ingredients which shall be found

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on any fuch fearch, and deemed to have been lodged with an in- faid, are to tent to adulterate the purity or wholesomeness of meal, flour, or forseit not ex-bread, or shall wilfully oppose or resist any such search being ceeding 51. made, or the carrying away any fuch ingredients as aforesaid, or 20s. any bread which shall be seized, as not being made pursuant to this act, he, she, or they, so doing or offending in any of the cases aforesaid, shall, on being convicted thereof in manner herein after prescribed, forfeit and pay for every offence such fum, not exceeding five pounds, nor less than twenty shillings, as the magistrate or magistrates, justice or justices, before whom any fuch offender or offenders shall be convicted, shall think fit, and order.

XXXI. Provided always, and be it further enacted by the au- Any miller, thority aforesaid, That no person who shall follow, or be con-mealman, or cerned in, the business of a miller, mealman, or baker, shall be baker, presumcapable of acting, or shall be allowed to act, as a magistrate, magistrate or or justice of the peace, under this act, or in putting in execu-justice in the tion any of the powers in or by this act granted; and if any execution of miller, mealman, or baker, shall presume so to do, he or they this act, forso offending in the premisses, shall, for every such offence, for-informer. feit and pay the sum of fifty pounds to any person or persons who will inform or fue for the same; to be recovered in any of Method of his Majesty's courts of record at Westminster, by action of debt, recovery. bill, plaint, or information; wherein no essoin, wager of law, or more than one imparlance, shall be allowed; or by way of summary complaint before the court of session in that part of Great Britain called Scotland.

XXXII. Provided always, and be it also enacted by the autho- Where any rity aforesaid, That if any person who shall carry on or follow baker shall, on the trade of a baker, shall, at any time after the twenty ninth complaint, day of September, make complaint to any magistrate or magi- make it apstrates, justice or justices of the peace, within their jurisdiction, offence he was and make appear to them, by the oath of any credible witness, charged with, that any offence, which any fuch person who shall so carry on and paid the or follow the faid trade of a baker shall have been charged with, penalty of, was and shall have incurred and paid any penalty under this act, the wilful deshall have been occasioned by or through the wilful neglect or fault of his default of any journeyman or other servant employed by or un-journeyman der any such person who shall so follow or carry on the said or servant, trade of a baker; then, and in any such case, any such magi- the magistrate strate or magistrates, justice or justices, may and are hereby re-shall ssue his quired to iffue out his or their warrant, under his or their respec- warrant for tive hands and feals, for bringing any fuch journeyman or fer-apprehending vant before any fuch magistrate or magistrates, justice or justices, the party; or any magistrate or justice of the county, city, riding, division, or place, where the offender can I'e found; and, on any fuch journeyman or servant being there ipon apprehended, and brought before any such magistrate or 1 agistrates, justice or justices, he or they, within their respective jurisdictions, is and are hereby authorized and required to exar ine into the matter of such complaint; and, on proof thereof being upon oath, to the fatisfac- and upon con-

tion viction of the

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342 offence, mail decree a reafonable recompence to maiter;

and on nonpayment thereof, shall commit the offender;

to be kept to hard labour for any time not exceeding one month, unless payment be fooner made.

All offences and determined in a fummagistrates within their respective jurifdictions.

and not ap-

Matter of the complaint to be enquired into upon

Anno tricesimo primo Georgii II. C. 29. tion of any fuch magistrate or magistrates, justice or justices of the peace, who shall hear such faid complaint, then any such magistrate or magistrates, justice or justices, is and are hereby be paid to the directed and authorized by any order under his or their respective hand or hands, to adjudge and order what reasonable sum of money shall be paid by any such journeyman or servant to his mafter or miftrefs, as or by way of recompence to him or her, for the money he or she shall have paid by reason of the wilful neglect or default of any fuch journeyman or fervant: and if any fuch journeyman or servant shall neglect or refuse, on his conviction, to make immediate payment of the fum of money which any fuch magistrate or magistrates, justice or justices, shall order him to pay by reason of such his said wilful neglect or default: then any fuch magistrate or magistrates, justice or justices, within their respective jurisdictions, is and are hereby authorized and required, by warrant under his or their hands and feals, to cause every such journeyman or servant to be apprehended and committed to the house of correction, or some other prison of the county, riding, division, city, town corporate, borough, or place, in which any fuch journeyman or fervant shall be apprehended or convicted, to be there kept to hard labour for any time not exceeding one calendar month from the time of fuch commitment, as to such magistrate or magistrates, justice or justices, shall seem reasonable, unless payment shall be made of the money ordered after fuch commitment, and before the expiration of the faid term of one calendar month.

XXXIII. And, for the better and more easy recovery of the several penalties and forfeitures to be incurred by disobedience to this att, and the powers herein contained, and disposing of the money which shall be forfeited by breach or non-observance of any part of this att; be it further enacted by the authority aforesaid, That it shall and against this act may be lawful to and for the mayor of the faid city of London for may be heard the time being, or any alderman of the faid city, within the faid city or liberties thereof; and to and for any other of his Majemary way, by fty's justices of the peace, or any one of them, within their respective counties, ridings, divisions, cities, towns corporate, boroughs, liberties, or jurisdictions, to hear and determine, in a fummary way, all offences committed against the true intent and meaning of this act; and, for that purpose, to summon bebe funmoned; fore them, or any of them, within their respective jurisdictions, any party or parties accused of being an offender or offenders against the true intent and meaning of this act: and in case the pearing there- party accused shall not appear on such summons, or offer some to, or offering reasonable excuse for his default; then, upon oath by any creexcuse, may be dible witness of any offence committed contrary to the true inapprehended, tent and meaning of this act, any fuch magistrate or magistrates, justice or justices, shall issue his or their warrant or warrants for apprehending the offender or offenders within the jurisdiction of any fuch magistrate or magistrates, justice or justices: and upon the appearance of the party or parties accused, or, in case he or they shall not appear, on notice being given to, or left for, him



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or them, at his or their usual place of abode, or if he or they oath, and excannot be apprehended on a warrant granted against him or them amination of as herein before is directed; then, and in any such case, any fuch magistrate or magistrates, justice or justices, is and are hereby authorized and required to proceed to make inquiry touching the matters complained of, and to examine any witnels or witnesses, who shall be offered on either side, on oath, as aforefaid, and which every fuch magistrate or magistrates, justice or justices, is and are hereby authorized, impowered, and required, to administer; and, after hearing of the parties and the party who shall appear, and the witnesses who shall be offered on either to be convicted fide, such magistrate or magistrates, justice or justices, shall con-thereupon. vict, or acquit, the party or parties accused: and if the penalty, The penalty or money forfeited, on any fuch conviction, shall not be paid on nonpaywithin the space of twenty four hours after any such conviction, within 24 every such magistrate or magistrates, justice or justices, shall hours, thereupon issue a warrant or warrants under his hand and seal, or their hands and seals, respectively, directed to any peace officer or officers within their respective jurisdictions, impowering is to be levied by distress and him or them to make diffress of the goods or chattels of the of- fale; fender or offenders: and if any offender shall convey away his and if the goods out of the jurisdiction of any such magistrate or magi- goods and strates, justice or justices, before whom he was convicted, or so chattels of the much thereof that the penalty cannot be levied, then some ma- party that be giftrate or justice within whose jurisdiction the offender shall have removed into removed his goods, shall back the warrant granted by any such diction, the magistrate or justice, magistrates or justices; and thereupon the magistrate penalty forfeited, shall be levied on the offender's goods and thereof is to chattels, by distress and sale thereof; and if within five days from back the warthe distress being taken, the money forfeited shall not be paid, and the disthe goods seized shall be appraised and sold, rendering the over- tress, if not replus (if any) after deducting the penalty or forfeiture, and the deemed withcosts and charges of the profecution, diffress, and sale, to the in five days, is owner; which charges shall be ascertained by the magistrate or ed and sold; magistrates, justice or justices, before whom any such offender and all charor offenders shall have been so convicted, or by the magistrate or ges, after justice who backed the warrant, if either of them shall continue settled by the alive; and if not, by some other magistrate or justice of the magistrate, to be deducted county, riding, division, city, or place, in which the offender thereout; shall have been convicted; and for want of such distress, then every and for want fuch magistrate or justice within whose respective jurisdiction any of distress the fuch offender or offenders shall reside or be, shall, on the appli- offender is to cation of any profecutor or profecutors, and proof made of the be committed conviction and nonpayment of the penalty and charges, by war- for a month, rant under his hand and feal, commit every fuch offender or offenders to the common gaol or house of correction of the city or county, riding, divition, or place, where such offender or offenders shall be found; there to remain for the space of one calendar month from the time of such commitment, unless, after such unless paycommitment, payment shall be made of the faid penalty or for- ment be feiture, costs and charges, before the expiration of the said one sopner made.

witnesies;



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calendar month; and all fuch penalties and forfeitures, when

recovered, shall be paid to the informer.

Power to fumevidences,

and of compelling, by warrant, to appear, fuch as shall not appear upon

Witnesses to be examined on oath;

fummons.

without just cause shewn,

may be committed for 14 lefs than 3. be drawn up in the following form.

XXXIV. And be it further enacted by the authority aforesaid, mon material That if it shall be made out by the oath of any credible person or persons to the satisfaction of any magistrate or magistrates, justice or justices, that any one within the jurisdiction of any such magistrate or magistrates, justice or justices, is likely to give or offer material evidence on behalf of the profecutor of any offender or offenders against the true intent and meaning of this act, or on behalf of the person or persons accused, and will not voluntarily appear before such magistrate or magistrates, justice or justices, to be examined, and give his, her, or their evidence concerning the premisses, every such magistrate or magistrates, justice or justices, is and are hereby authorized and required to iffue his or their fummons to convene every fuch witness and witnesses before any such magistrate or magistrates, justice or justices, at such seasonable time as in such summons shall be fixed; and if any person so summoned shall neglect or refuse to appear at the time by such summons appointed, and no just excuse shall be offered for such neglect or refusal, then (after proof by oath of fuch fummons having been duly ferved upon the party or parties so summoned) every such magistrate and magistrates, justice and justices, is and are hereby authorized and required to iffue his or their warrant under his hand and feal, or their hands and feals, to bring every fuch witness or witnesses before any such magistrate or magistrates, justice or justices; and on the appearance of any fuch witness before any fuch magistrate or magistrates, justice or justices, every such magistrate or magistrates, justice or justices, is and are hereby authorized and impowered to examine upon oath every fuch witness: and if any such witness on his or her appearance, or on being brought before any such magistrate or magistrates, justice or justices, shall refuse to be examined on oath concerning the premisses, without offering any just excuse for such refusal, any and on refusal, such magistrate or magistrates, justice or justices, within the limits of his or their jurisdiction, may, by warrant under his hand and feal, or their hands and feals, commit any person or persons so refusing to be examined, to the public prison of the county, riding, division, city, liberty, or place, in which the person or persons so refusing to be examined shall be, there to remain for any time not exceeding fourteen days, nor less than three days, as any such magistrate or magistrates, justice or days, but not justices, shall direct.

XXXV. And be it further enacted by the authority aforesaid, Conviction to That the magistrate or magistrates, justice or justices, before whom any person shall be convicted, in manner prescribed by this act, shall cause such respective conviction to be drawn up in the form, or to the effect following (that is to fay)



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(To wit) BE it remembered, That on this in the year of the reign of A. B. is convicted before Majejesty's justices of the peace for the said county of or for the riding or division of the said county of or for the city, liberty, or town of (as the case shall happen to be) for and do adjudge him, her (or them) to pay and ferfeit for the same, the sum of Given under the day and year aforesaid.

XXXVI. And be it further enacted by the authority afore- No conviction, faid, That no Certierari, letters of advocation, or of suspension or other proshall be granted to remove any conviction, or other proceedings ceedings, may

had thereon in pursuance of this act.

XXXVII. Provided always, and it is hereby further enacted &c. by the authority aforesaid, That if any person convicted of any Persons agoffence punishable by this act, shall think him, her, or them- grieved by the felves, aggrieved by the judgement of the magistrate or magi-judgement of strates, justice or justices, before whom he, she, or they, shall any magistrate have been convicted, such person shall have liberty, from time appeal to the to time, to appeal to the justices at the next general or quarter next general festions of the peace, which shall be held for the county, riding, or quarter sefdivision, city, liberty, town, or place, where such judgement shall sions, have been given, and that the execution of the faid judgement, and execution shall, in such case, be suspended; the person so convicted, en- of judgement tering into a recognizance at the time of fuch conviction, with is to be theretwo fufficient fureties in double the fum which fuch person shall ed. have been adjudged to pay or forfeit, upon condition to prose- Appellant is to cute fuch appeal with effect, and to be forthcoming to abide the enter into rejudgement and determination of the justices at their said next cognizance, general or general quarter sessions; which recognizance the ma- rity, to prosegistrate or magistrates, justice or justices, before whom such cute the apconviction shall be had, is and are hereby impowered and re- peal with efquired to take; and the justices in the said general or general feet, &c. quarter sessions are hereby authorized and required to hear and stices in their finally determine the matter of every fuch appeal, and to award faid fessions fuch costs as to them shall appear just and reasonable to be paid are to hear by either party: and if, upon hearing the faid appeal, the judge- and determine ment of the magistrate or magistrates, justice or justices, before thereof, and whom the appellant or appellants shall have been convicted, award costs shall be affirmed, such appellant or appellants shall immediately thereupon. pay down the fum he, she, or they, shall have been adjudged If the former to forfeit, together with fuch costs, as the justices in their said affirmed, the general or general quarter fessions, shall award to be paid to the appellant is to profecutor or informer, for defraying the expences fullained by pay down the reason of any such appeal; and in default of the appellant's pay- for seiture and ing the same, any two such justices, or any one magistrate or and on default justice of the peace, having jurisdiction in the place into which is to be comany fuch appellant or appellants shall escape, or where he, she, mitted.

by Certiorari,

Anno tricesimo primo Georgii II. c. 29. 1758.

or they, shall reside, shall and may, by warrant under their hands and feals, or his hand and feal, commit every fuch appellant and appellants to the common gaol of the county, city, riding, divition, or place, where he, the, or they, thall be apprehended, until he, the, or they, shall make payment of such penalty, and of the costs and charges which shall be adjudged on the conviction, to the informer; but if the appellant or appellants in any fuch appeal shall make good his, her, or their appeal, and be discharged of the said conviction, reasonable costs verted, and the thall be awarded to the appellant or appellants against such informer or informers, who would (in case of such conviction) have been intitled to the penalty to have been recovered as aforetion, costs are said; and which costs shall and may be recovered by the apto be awarded pellant or appellants against any such informer or informers, in and recovered like manner as costs given at any general or general quarter feffions of the peace, are recoverable.

XXXVIII. Provided also, and be it further enacted by the tion thall hap- authority aforefaid, That if any fuch conviction thall happen to be made within fix days before any general or general quarter within fix days sessions of the peace which shall be held for the county, riding, of the setsions, division, city, town corporate, borough, or place, where such conviction shall have been made, then the party or parties who shall think him, her, or themselves aggrieved by any such conviction, shall and may, on entering into a recognizance in manner and for the purposes before directed, be at liberty to appeal either to the then next or the next following general or general quarter fessions of the peace, which shall be held for any such county, riding, division, city, town corporate, borough, liberty, or place, where any such conviction shall have been made.

XXXIX. And be it further enacted by the authority aforefaid, actions against That every action or suit which shall be brought or commenced against any magistrate or magistrates, justice or justices, or any peace officer or officers, for any matter or thing done or committed by virtue of, or under this act, shall be commenced within fix months next after the fact committed, and not afterwards; and shall be laid or brought in the county, city, or place, where the matter in dispute shall arise, and not elsewhere; and that the statute made in the twenty fourth year of his present Majesty's reign, intituled, An act for rendering the justices of the peace 2. extended to more fafe in the execution of their office; and for indemnifying constables, and others, acting in obedience to their warrants; so far as the faid act relates to the rendering the justices more late in the execution of their office, shall extend and be construed to extend to the magnifrate and magnifrates, justice and justices of the peace, acting under the authority or in pursuance of this act; 7 days notice and that no action or fuit shall be had or commenced against, to be given to nor shall any writ be sued out, or copy of any writ be served peace officers, upon, any peace officer or officers, for any thing done in the defore the ulfu- execution of this act, until feven days after a notice in writing action against shall have been given to or left for him or them, at his or their usual place of abode, by the attorney for the party intending to cont-

1: the judgement be reappellant be ditcharged of the convicagainst the informer.

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If the convicpen to be appeal may then be made to the fessions tollowing.

Limitation of magistrates, and justices, and peace ofncers.

AR of 24 Geo. magistrates and justices zeting under authority or this act.

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1758.] Anno tricesimo primo Georgii II. c. 29.

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commence such action; which notice in writing shall contain Notice to conthe name and place of abode of the person intending to bring tain the name such action, and also of his attorney, and likewise the cause of the projecutor action or complaint: and any peace officer or officers shall be at and his attorliberty, and may, by virtue of this act, at any time within feven ney, and cause days after any such notice shall have been given to, or left for, of action. him, tender, or cause to be tendered, any sum or sums of mo-thereupon ney, as amends for the injury complained of, to the party com- make tender plaining, or to the attorney named in any fuch notice; and, if of amends; the fame is not accepted of, the defendant or defendants in any and plead the fuch action or actions may plead such tender in her of such actions together fuch action or actions may plead fuch tender in bar of fuch ac- with the genetion or actions, together with the general iffue, or any other ral iffue, &c. plea, with leave of the court in which the action shall be com- in bar of such menced; and if, upon iffue joined on fuch tender, the jury action. shall find the amends tendered to have been sufficient, they shall find a verdict for the defendant or defendants: and in every fuch case, or if the plaintiff shall become nonsuit, or discontinue his action; or if judgement shall be given for the defendant or defendants upon demurrer; or if any action or fuit shall be brought after the time limited by this act for bringing the fame, or shall be brought in any other county or place than as aforesaid; then, and in any such case, the jury shall find for the defendant or defendants; and the defendant or defendants shall be intitled to his or their costs: but if the jury thall find, that Defendant reno fuch tender was made, or that the amends tendered were not covering to be fufficient, or thall find against the defendant or defendants, on allowed his any plea or pleas by him or them pleaded; they shall then give cotts. a verdict for the plaintiff, and fuch damages as they shall think vering, intitled proper; and the plaintiff shall thereupon recover his costs against to damages every fuch detendant and defendants.

XL. And be it further enacted by the authority aforefaid, That if any action or fuit shall be commenced against any per- Persons sued fon or persons for any thing done in pursuance of this act, the on this act, defendant or defendants in any such action or suit may plead the defendant or defendants in any fuch action or fuit may plead the general iffue; general iffue, and give this act, and the special matter, in evidence, at any trial to be had thereupon; and that the same was done in pursuance and by the authority of this act: and if it shall appear so to have been done, or if a verdict shall be recorded for the defendant or defendants; or if the plaintiff shall be nonfuited, or discontinue his action, after the defendant or defendants shall have appeared; or if judgement shall be given, upon a verdict or demurrer, against the plaintiff or plaintiffs; and obtaining the defendant or defendants in every fuch action shall and may a verdict, rerecover treble costs; and have the like remedy for the same as cover treble any defendant or defendants hath or have in other cases by law costs.

for recovery of his, her, or their costs.

XLI. Provided always, That no person shall be convicted, Prosecution to in manner aforelaid, for any of the before-mentioned offences, be comunless the profecution, in order to such conviction, be com- manced withmenced within three days next after the offence committed.

XI.II. Pro- the effence.



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General refervation of rights.

Anno tricefimo primo Georgii II. C. 29. 11758.

XLII. Provided also, and be it enacted, That this act, or any thing herein contained, shall not extend to prejudice any right or custom of the city of London, or the practice there used, or any right or custom of any lord or lords of any leet, to set, inquire, and punish, the breach of affize of bread, within their respective leets or views of frank pledge, or the right of any

clerk or clerks of the market in any place.

Refervation of rights of the dean and high fteward of Westminster, of bread, within the city and liberty of Westminster;

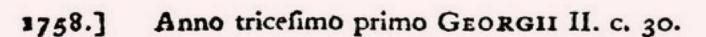
XLIII. Provided further, and it is hereby likewise enacted, That neither this act, or any thing herein contained, shall extend, or be construed to extend, to prejudice the ancient right or custom of the dean of the collegiate church of Saint Peter, to fet an affize Westminster, or the high steward of the city of Westminster, and the liberties thereof, or his deputy, or any of them, to fet, afcertain, and appoint, the affize and weight of all forts of bread to be fold or exposed to fale within the said city of Westminster, and the liberties thereof; but they, and every of them, shall and may severally and respectively, from time to time, as there shall be occasion, set, ascertain, and appoint, within the said city of Westminster, and the liberties thereof, according to the true intent and meaning of this act, the affize and weight of all forts of bread which shall be made, sold, or exposed to sale, by any person or persons within the limits of the said city of Westminster, and the liberties thereof; and shall and may inquire and punish the breach of every such assize and weight of bread, as fully and freely in all respects, as they, or any of them, have heretofore been accustomed to do, and as if this act had never been made; any thing herein contained to the contrary thereof notwithstanding.

and punish any breach thereof.

rights to the univerlities of Oxford and Cambridge, to bread within their jurifdictions;

XLIV. Provided likewise, That neither this act, nor any Refervation of thing herein contained, shall extend, or be construed to extend, to prejudice the ancient right or custom of the two universities of Oxford or Cambridge, or either of them, or of their or either of their clerks of the market, or the practice within the feveral fet an affize of jurisdictions of the said universities, or either of them, used, to fet, ascertain, and appoint, the affize and weight of all forts of bread to be fold or exposed to sale within their serveral jurisdictions; but that they, and every of them, shall and may severally and respectively, from time to time, as there shall be occasion, fet, afcertain, and appoint, within their feveral and respective jurisdictions, the affize and weight of all forts of bread to be fold or exposed to sale by any baker or other person whatsoever, within the limits of their feveral jurisdictions; and shall and may inquire and punish the breach thereof, as fully and freely in all respects as they used to do, and as if this act had never been made; any thing herein contained to the contrary thereof notwithitanding.

and punish any breach thereot.



CAP. XXX.

An all for applying the money granted by parliament towards defraying the charge of pay and cloathing for the militia, for the year one thousand seven bundred and fifty eight; and for defraying the expences incurred on account of the militia, in the year one thousand seven hundred and fifty Jeven.

WHEREAS the sum of one hundred thousand pounds has been Preamble. granted to his Majesty, upon account, towards defraying the charge of pay and cloathing for the militia, for the year one thousand Seven hundred and fifty eight; and for defraying such expences as were actually incurred upon the account of the militia, in the year one thoufand seven hundred and fifty seven; in order therefore that the faid Upon certififum of one hundred thousand pounds may be regularly and cate of the properly applied; be it enacted by the King's most excellent lieutenant or majesty, by and with the advice and consent of the lords spiritual deputy lieute-and temporal, and commons, in this present parliament assembled, and by the authority of the same, That within fourteen treasury, of days after that his Majesty's lieutenant of any county, riding, or the actual inplace, within that part of Great Britain called England, or, in rollment of his absence, three deputy lieutenants, shall have certified to the of men recommissioners of his Majesty's treasury, or the high treasurer quired to be for the time being, that such proportion of the number of pri- inrolled, bevate militia men of any regiment or battalion of fuch county, fore pay, arms, riding, or place, has been chosen or inrolled, as is by law re- are to be illuquired to be chosen or inrolled, before any pay, arms, accoutre-ed, ments, or cloathing for the militia, is allowed to be iffued; and and that the that the like proportion of the number of the commission officers officers also of such regiment or battalion have been appointed, and have are appointed. taken out their commissions and entered their qualifications; issue an order the faid commissioners of his Majesty's treasury, or any three to the receiver or more of them, or the faid high treasurer, shall issue a war- general of the rant or order directed to the receiver or receivers general of the county to make the payland tax for fuch county, riding, or place, to make the iffues ments accordor payments following; that is to fay,

The whole fum required for cloathing the militia for fuch viz. for cloathcounty, riding, or place, at the rate of one pound one shilling ing; for each private man or drummer; and at the rate of two pounds ten shillings for each serjeant.

And also for the pay of the said militia for four months in ad- for pay of the vance, at the rate of fix shillings a day for each adjutant; and militia for 4 months in adat the rate of one shilling a day for each serjeant, with the ad- vance; dition of two shillings and fix pence a week for each serjeant major; and at the rate of fix pence a day for each drummer, with the addition of three thillings and fix pence a week for each drum major; and also at the rate of one shilling for each private man, with the addition of fix pence to each corporal,

ing to the rates let down;

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for every day in which such private man or corporal shall be re-

spectively employed in the militia.

for half a And also half a year's salary for the clerk of each battalion of year's salary militia belonging to fuch county, riding, or place, at the rate to the clerk of the battalion; of fifty pounds a year.

and also allowances to

And also to pay the respective allowances to the clerk of the general meetings, and clerks of the feveral fubdivition meetings, at the rates following; that is to fay,

the clerk of the general meetings; to the clerks of the jubdivision meetings.

To the clerk of the general meerings, at the rate of five pounds five shillings for each meeting.

And to the several clerks of the subdivision meetings, at the rate of one pound one thilling for each meeting.

The money to be paid to the clerk of the battalion.

All which faid fums of money, except fuch as shall be due to the feveral clerks of the meetings aforefaid, shall be paid by the faid receiver or receivers general into the hands of the clerk or clerks of the battalion or battalions of militia belonging to fuch county, riding, or place, upon his or their producing his or their warrant of appointment to such office, under the hand and seal of his Majesty's lieutenant for such county, riding, or place, according to the number of persons hereby intitled to receive pay, of which fuch battalion or battalions shall have been appointed months in ad- to confift; and also within fourteen days after the expiration of the third month from the time of the faid first payment, to made within 3 make a second payment for four months, in advance, for the Clerk's receipt pay of the militia, and clerks of battalions aforesaid, in the proportions before mentioned; and the receipts of fuch clerk or charge for the clerks shall be a sufficient discharge to such receiver or receivers

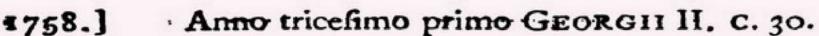
A fecond payment of 4 vance to be to be a difsums to paid. Clerk to pay, pay in advance to the captains, who are to distribute the same to their companies,

general, for the several sums of money so by him or them paid. II. And be it enacted, That the clerk of each battalion of time, 2 months militia, shall forthwith, after the receipt of such sums of money as aforesaid, pay or cause to be paid, to the captain or commanding officer of each company belonging to fuch battalion. two months pay in advance for his respective company, and so from time to time to long as any money on that account, shall remain in his hands; which pay the faid captain or commanding officer is hereby required to distribute to each person belonging to his company, by this act intitled to receive the same, as and render an it shall become due; and shall give in to the clerk of the bataccount there-talion to which such company shall belong, an account of the of to the clerk, failed to which their company man belong, an account of the and pay back feveral payments he shall have made in pursuance of this act; and shall pay back to the faid clerk the surplus, if any, of the monies by him, from time to time, received, and then remaining in his hands.

the furplus monies.

> III. And be it further enacted, That the faid clerk may and shall retain to his own use out of the money so by him received, fuch fums as are berein before allowed for his falary, and shall alto pay and discharge such sums of money as shall be due and owing for or on account of the cloathing of the faid militia, not

Clerk to detain in his hands money for his own falary;



exceeding the rates herein before mentioned, to such person or and to pay the persons as shall produce an order from his Majesty's lieutenant, bills for or from the commanding officer of fuch battalion, for that cloathing. purpoie.

IV. And be it enacted, That the faid receiver or receivers ge- be paid to the neral shall pay to the clerk of the general meetings his allow-clerk of the ance at the rate of five pounds five thillings for each meeting, general meetupon his producing an order or orders for that purpose from his ings, Majesty's lieutenant, or three deputy lieutenants, assem- ing an order bled at some general meeting or meetings; and shall also pay to from the lieueach and every the clerks of the subdivition meetings their seve-tenant, &c. ral allowances, at the rate of one pound one shilling for each to the clerks meeting, upon his or their producing an order or orders from vision meetone or more deputy lieutenant or deputy lieutenants, affembled ings, uponproin the feveral subdivision meetings; which said orders thall be to ducing a like the faid receiver or receivers general a fufficient discharge for order from the the payment of such allowances, and be allowed in his or their tenants. account.

di'charge to receivers general. V. Provided always, and be it enacted, That the clerk of Clerks of the each battalion of militia shall give security to the good liking militia to give of his Majesty's lieutenant of the county, riding, or place, to which fuch battalion shall belong, for duly answering and paying fuch fums as he shall from time to time have received, and for duly accounting for the same, and for performance of the trust and to deliver hereby in him reposed; and shall, between the feast days of to the receiv-Saint Michael the Archangel and Saint John the Evangelift, in ers general, the year one thousand seven hundred and fifty eight, deliver to chaelmas and the receiver or receivers general of the land tax for the county, 27 December, riding, or place, to which such battalion shall belong, a fair ac-account of count in writing of all monies by him received and disbursed in their receipts pursuance of this act, with proper vouchers for the same; and and disburseshall pay back to the said receiver or receivers general any sur- pay back the plus that shall be then in his hands; which said accounts shall surplus. be figned by the faid clerk, and transmitted by the faid receiver Account to be or receivers general of the land tax into the office of the auditor to the audi-

of the receipt of his Majesty's exchequer. VI. And whereas in the course of the year one thousand seven hun- Lieutenantsto dred and fifty seven, several expences were incurred on account of the pay the exmilitia; be it enacted, That his Majesty's lieutenant of any pences incurcounty, riding, or place, wherein any fuch expences have been year, on acincurred, shall be, and is hereby impowered and directed to fa- count of the tisfy fuch demands on that account, as to him shall appear rea- militia; fonable; and to draw on the receiver or receivers general of the and to draw on land tax for fuch county, riding, or place, for fuch fum of mo-general for ney, as shall have been paid, or shall be due on that account; the sums to which faid draught shall be to the faid receiver or receivers ge- paid, or due. neral a sufficient discharge for the payment of such sum of mo- Draughts to be

ney, and be allowed in his or their account.

VII. Provided also, and be it enacted, That no fee or gra- No fee to be tuity whatfoever shall be given or paid for or upon account of paidforitfuing

Orders to be a

tor's office. aditcharge for the fame. money.

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Anno tricesimo primo GEORGII II. C. 31. any warrant, or any fum of money which shall be issued in relation to, or in purluance of, this act.

CAP. XXXI.

An act for granting to bis Majesty certain sums of money cut of the sinking fund, for the service of the year one thousand seven hundred and fifty eight; and for empowering the proper officers to make forth duplicates of exchequer bills, tickets, certificates, receipts, annuity orders, and other orders, in lieu of such as shall be lost, burnt, or otherwise destroyed; and for obliging the retailers of wines, commonly called Sweets, or, Made Wines, to take out a wine licence.

Most gracious Sovereign,

Preamble.

W E, your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament affembled, being defirous to raise the residue of the necessary supplies which we have chearfully granted to your Majesty in this session of parliament, by ways and means the least burthensome to your Majesty's subjects, have resolved to give and grant to your Majesty the fums herein after mentioned; and do therefore most humbly befeech your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and confent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authothority of the same, That by or out of such monies as have arisen, or shall or may arise, and be and remain in the receipt of the exchequer, of the furplusses, excesses, overplus monies, and other revenues composing the fund, commonly called The finking fund, (after paying or referving sufficient to pay all such fums of money as have been directed by any former act or acts of parliament to be paid out of the same) there shall and may granted out of be iffued and applied a fum not exceeding three hundred thoufand pounds, for and towards the supply granted to his Majesty of the finking for the fervice of the year one thouland leven hundred and fifty eight; and the commissioners of his Majesty's treatury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, are hereby authorized and impowered to iffue and apply the fame accordingly.

the furpluffes fund for the fervice of the year 1758, and to be iffued by the treafury accordingly. 93,3711. 115. 7d. 39. lurplus monies remaining in of the land fund for the

II. And be it further enacted by the authority atorefaid, That the fum of ninety three thousand three hundred and seventy one pounds, eleven shillings, and seven pence three farthings, remaining in the receipt of the exchequer, disposeable the exchequer by parliament for the public fervice, of the income of the furpluties, excesses, overplus monies, and other revenues, comquarter end poling the faid fund, commonly called The finking fund, for the quarter ended the tenth day of Ochiler, one thousand seven

hun-



Anno tricesimo primo Georgii II. c. 31. 1758.]

hundred and fifty seven, shall and may be, in like manner, iffued and applied at the faid receipt, for and towards the faid

supply.

III. And be it further enacted by the authority aforesaid, 492,4001. 15. That the sum of four hundred ninety two thousand and four sd. like surhundred pounds, eight shillings and three pence, remaining in plus remainthe receipt of the exchequer, disposeable by parliament for the exchequer, public service, of the income of the surplusses, excesses, over- for the quarplus monies, and other revenues, composing the said fund, com- ter ending monly called The finking fund, for the quarter ended the fifth 5 April, 1758, day of April, one thousand seven hundred and fifty eight, shall and wards the faid may be in like manner iffued and applied at the faid receipt, for supply. and towards the faid supply.

IV. And be it further enacted by the authority aforesaid, 1,606,0761. 55.

That by or out of such monies as shall thereafter, from time to issued, in like time, be and remain in the receipt of the exchequer, of the fur- manner, out of plusses, excesses, overplus monies, and other revenues, compos- the growing ing the faid fund, commonly called The finking fund, after paying or produce of the referving sufficient to pay, all sums of money as have been di-towards the

rected by any former act or acts of parliament to be paid out of faid supply. the same, there shall and may in like manner be issued and applied, a further fum not exceeding one million fix hundred and fix thousand and seventy six pounds, five shillings, and one pen-

ny farthing, for and towards the faid supply.

V. And whereas it may happen, that there may be a want of money for carrying on the current service of the year one thousand seven bundred and fifty eight, before monies Sufficient may have arisen into the exchequer, from the Said Surpluses, excesses, or overplus monies, commonly called The finking fund, to fatisfy and pay the faid fum of one million fix bundred and fix thousand and seventy fix pounds, five shillings, and one penny farthing, by this att granted; in such In case of five shillings, and one penny farthing, by this att granted; in such In case of want, treasury case it shall and may be lawful to and for the said commissioners may occasionof his Majesty's treasury, or any three or more of them now ally borrow being, or the high treasurer, or any three or more of the com- money on the missioners of the treasury for the time being, by warrant or credit of the warrants under his or their hands, to permit and fuffer any perfon or perfons, or body or bodies, politick or corporate, to advance and lend unto his Majesty, at the receipt of his exchequer, fo much money, as, together with the monies then remaining in the faid exchequer of the faid furplusses, excesses, or overplus monies, shall be wanting to compleat the faid sum of one million fix hundred and fix thousand and seventy fix pounds, five shillings, and one penny farthing, upon credit of the growing produce of the said surplusses, excesses, or overplus monies, and repay the and to be repaid out of the same, as they shall quarterly after- same quarterwards arife, together with interest for the forbearance thereof in ly, with inthe mean time; any thing herein before contained to the contra- terest. ry notwithstanding.

VI. And whereas feveral bilis commonly called exchequer bills. Several tickets commonly called Lottery tickets, Several orders and certificates made forth in lieu of the faid lettery tickets, and likewife Vol. XXII. for

inking fund :

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Proper officers to make forth duplicates of exchequer bills, tickets, certificates, receipts, annuity orders, fuch as shall appear, upon affidavit before the barons of the exchebeen loft, burnt, or deftroyed; and to pay the monies due thereon; giving proper

for annuities of divers kinds, payable at or near the receipt of his Majesty's exchequer (as also several receipts of the cashiers of the governor and company of the bank of England, or some of them, for money contributed there for the purchase of annuities transferrable in the books of the faid governor and company, have by cafualty or mifchance been loft, burnt, or otherwise destroyed, which exchequer bills, lottery tickets, certificates, receipts, annuity orders, and other orders, of the respective denominations aforesaid, were made forth by and in pursuance of several acts of parliament in that behalf; be it therefore enacted by the authority aforesaid, That in all cases where it shall appear by affidavit to be made, before any of the barons of the exchequer for the time being (who shall interrogate the deponent thereupon) to the fatisfaction of fuch baron or barons, that any fuch exchequer bills, or any fuch tickets, certificates, receipts, annuity orders, or other orders, as aforesaid, before the first day of August, one thousand seven hundred and fifty eight, have been, or are lost, burnt, or otherwise destroyed, or that there be ders, in lieu of good reason to believe the same have been burnt, lost, or otherwife destroyed; it shall and may be lawful for the respective officers and persons appointed to iffue or make forth such exchequer bills, tickets, certificates, receipts, annuity orders, or other orders, or to pay or discharge the same, or to issue any moquer, to have nies due or payable thereupon, upon producing a certificate from any of the faid barons of fuch affidavit made before him (which affidavit the faid barons, or any of them, is and are hereby authorized to take, and which certificate he or they are hereby required to make and grant without fee or reward) and on fecurity given to the faid respective officers and persons to their good the persons in- liking, to indemnify them respectively against all other person titled thereto, whatfoever, for or concerning the monies specified in, or due security of in- upon, such respective bill or bills, ticket or tickets, certificate demnification, or certificates, receipt or receipts, order or orders, they the faid persons respectively, shall, and are hereby required, to make forth duplicates of the faid bills, tickets, certificates, receipts, and orders, at the request of the respective owners, and to pay and discharge the fame, and all fuch interest as is or shall be due on any of them carrying interest, or to make forth stock or transferrable annuities in lieu of fuch receipts as he or they should have paid or discharged, or made forth on the said original bills, tickets, certificates, receipts, annuity orders, or other orders, if the same had been produced, and shall be allowed all such payments, sum or sums of money, in their respective accounts; and in all cases where the signing of the commissioners of his Majesty's treasury, or the lord high treasurer of Great Britain for the time being, is necessary for making the said duplicates, or any of them, effectual for the purposes aforesaid; it is hereby further enacted, That it shall and may be lawful to and for the ers of the trea- faid commissioners of his Majesty's treasury, or any three or fury impower- more of them, or the lord high treasurer for the time being, to ed to fign such fign such duplicates accordingly. VII. And whereas by an act paffed in the last feffin of parlia-

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Commissionduplicates.

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ment, intituled, An act for granting to his Majesty several rates Recital of and duties upon indentures, leafes, bonds, and other deeds; and claufes in act upon news papers, advertisements, and almanacks; and upon 30 Geo. 2. licences for retailing wine; and upon coals exported to foreign parts; and for applying, from a certain time, the sums of money arising from the surplus of the duties on licences for retailing spirituous liquors; and for raising the sum of three millions, by annuities, to be charged on the faid rates, duties, and fums of money; and for making perpetual an act made in the second year of the reign of his present Majesty, intituled, An act for the better regulation of attornies and solicitors; and for enlarging the time for filing affidavits of the execution of contracts of clerks to attornies and solicitors; and also the time for payment of the duties omitted to be paid for the indentures and contracts of clerks and apprentices; it was among other things enacted, That from and after the fifth day of July, one thousand seven hundred and fifty seven, no person what soever, unless authorized and enabled by saking out such licence as is therein prescribed, subject to the payment of such duties as are therein respectively charged thereupon, should sell or utter by retail (that is) by the pint, quort, pottle, or gallon, or by any other greater or leffer retail measure, or in bottles, in any lefs quantity than should be equal to the measure of the cask or vessel in which the same should have been, or might lawfully be imported, any kind of wine or wines, or any liquor called or reputed wine, upon pain to forfeit for every such offence, the sum of one hundred pounds : and whereas great frauds might easily be practised in case the retailers of certain liquors ma e in this kingdom, commonly called Sweets, or Made Wines, should not be equally with the retailers of other kinds of wine, obliged to take out such licences as aforesaid, for retailing wine; be it therefore enacted by the authority aforesaid, That Retailers of from and after the fifth day of July, one thousand seven hun- Sweets, or dred and fifty eight, no person whatsoever, unless he be autho- Made Wines, rized and enabled by having taken out such licence as by the faid to take out a act is prescribed, subject to the payment of such duties as are licence. therein respectively charged upon such licences to sell wine by retail, shall fell or utter by any retail measure, or in bottles, in any quantity less than twenty five gallons, any kind of liquor made in Great Britain, by infusion, fermentation, or otherwife, from foreign fruit or fugar, or from British fruit or fugar, or from fruit or lugar mixed with any other ingredients, commonly called Sweets, or Made Wines; or any kind of liquor made in Great Britain, and known by the name of Sweets, or Made Wines, of whatfoever materials, or in whatfoever man- tool. penalty ner, the same may be made, upon pain to forfeit for every such on retailing offence, one hundred pounds; to be recovered and applied in without a lifuch manner, as the penalties for felling wine by retail, without cence. licence, are by the faid act to be recovered and applied.

CAP. XXXII.

An act for repealing the duty granted by an act made in the fixth year of the reign of his late Majesty, on silver plate, made, wrought, touched, assayed, or marked, in Great Britain; and for granting a duty on licences, to be taken out by all persons dealing in gold or silver plate; and for discontinuing all drawbacks upon silver plate exported; and for more effectually preventing frauds and abuses in the marking or stamping of gold or silver plate.

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Preamble, re. WHEREAS by an act of parliament made in the fixth year of the reign of his late Majesty, intituled, An act for layin act 6 Geo. 1. ing a duty upon wrought plate; and for applying money arising for the clear produce (by fale of the forfeited estates) towards answering his Majesty's supply; and for taking off the drawbacks upon hops exported for Ireland; and for payment of annuities to be purchased after the rate of four pounds per centum per annum, at the exchequer, redeemable by parliament; and for appropriating supplies granted in this session of parliament; and to prevent counterfeiting receipts and warrants of the officers of the South Sea company; and for explaining a late act concerning foreign falt, cellared and locked up, before the four and twentieth day of June, one thousand seven hundred and nineteen; and to give a further time for paying duties on certain apprentices indentures; and for relief of Thomas Vernon efquire, in relation to a parcel of senna imported in the year one thoufand seven hundred and fixteen; it was amongst other things enacted, That there should be raised, levied, collected, answered, and paid unto, and for the use of his Majesty, his heirs, and successors, for ever (Subject nevertheless to Such redemption as in and by the Said att was afterwards provided in that behalf) for and upon all filver plate which should be made or wrought in Great Britain, or at any time or times from and after the first day of June, one thousand Seven hundred and twenty, should or ought to be touched, affayed, or marked, in Great Britain, as is before in the faid all mentioned, a duty after the rate of fix pence for every ounce troy, and proportionally for any greater or leffer quantity, to be paid by the makers or zvorkers thereof respectively; and divers provisions and directions are contained in the faid att for and in relation to the managing, fecuring, ascertaining, collecting, recovering, levying, and paying, the said duty for the uses and purposes t'erein mentioned : and whereas the methods prescribed for ascertaining and collecting the said duty, and for preventing frauds therein, have been found in ffectual to secure the payment thereof, and the faid duty bath, by reafon of various frauds and evafions, for some years page greatly decreased, and is nows insufficient to answer the purposes for which the same was granted; we, your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, think it will be for the advantage of the publick to repeal the faid duty, and in

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lieu thereof, to grant unto your Majesty the duty upon licences

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herein after mentioned: and therefore, do most humbly beseech your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and confent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of June, one thousand seven Former duty hundred and fifty eight, the faid duty granted by the faid act on plate remade in the fixth year of his late Majesty's reign, of fix pence pealed; per ounce troy, for and upon all filver plate made or wrought in Great Britain, or which ought to be touched, affayed, or marked, in Great Britain, shall cease, determine, and be no longer paid or payable; and, that then and from thenceforth all the andall powers, powers and authorities given and granted, and the rules and re- &c. relating gulations established and prescribed by the said recited act, or by thereto; any other act or acts of parliament, for or in relation to the managing, fecuring, afcertaining, collecting, recovering, levying, and paying, the faid duty, and all penalties and forfeitures in respect thereof, shall also cease, determine, and be no longer except with put in execution, lave only and except in all cases relating to the respect to the recovering any arrears which may at that time remain unpaid of recovery of the faid duty, or to any penalty or forfeiture which shall have arrears, and been incurred upon or at any time before the faid first day of curred before June, one thousand seven hundred and fifty eight; any thing 1 June, 1758. herein before contained to the contrary notwithstanding.

II. And be it further enacted by the authority aforesaid, That Duty on liin lieu of the faid duty by this act repealed, there thall, from cencesgranted and after the fifth day of July, one thousand seven hundred and in lieuthereof. fifty eight, be paid unto his Majesty, his heirs and successors, a duty of forty shillings for every licence to be taken out in manner herein after mentioned, by each person trading in, selling,

or vending gold or filver plate.

III. And be it further enacted by the authority aforesaid, That Tradersin, from and after the fifth day of July, one thousand seven hundred and venders and fifty eight, no person or persons whatsoever, who now, or of, plate, to at any time or times hereafter, doth or shall trade in, vend, or take out such fell, any gold or filver plate, shall presume by him, her, or them-licences, felves, or by any other person or persons whatsoever, employed by him, her, or them, for his, her, or their benefit, either publickly or privately to trade in, vend, or fell, any gold or filver plate, without first taking out a licence for that purpose, in manner hereafter mentioned, before he, the, or they, thall trade in, vend, or fell, any fuch gold or filver plate, for which he, the, or they shall immediately, upon taking out thereof, pay down for fuch licence, the sum of forty shillings, in manner following; that is to say, If such licences be taken out in London, Westmin- Licences with in the limits or jurisdiction of the of the chief chief office of excise in London, then such licences shall be grant- olice of exed under the hands and feals of two or more of his Majesty's circinLonder, commissioners for the duty of excise for the time being; and the to be granted duty for the same shall be paid at the chief office of excise in commission-

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to be paid at

Licences within the limits two commissiin Scotland, and the duty to be paid at the chief office of excise there: the collectors and fupervifors of excise for the diftrict, and the duty to be paid at the next office. granted to all persons applying, upon paying the duty of 40 s. Fresh licence to be taken outand renewAnno tricesimo primo GEORGII II. C. 32. 1758.

duty to be paid London, or at any other place, and to fuch person or persons as the faid commissioners for the time being shall appoint to deliver inother places out fuch licences, and to receive the faid duty; but if fuch lito be granted cences shall be taken out without the limits aforesaid, then such by the collec- licences shall be granted under the hands and seals of the several tors and supervisors of excise collectors and supervisors of excise within their respective collecfor the dittrict, tions and districts, and the duty for the same shall be paid by and the duty all and every the persons so taking out such licences at the office of excise next adjoining to the place where they respectively rethe next office. fide or inhabit, or at any other place, and to fuch persons as his Majesty's commissioners of excise for the time being shall appoint to deliver out fuch licences, and to receive the faid duty; and in case such licences be taken out within the limits of the of the city of city of Edinburgh, such licences shall be granted under the hands Edinburgh, to and feals of two or more of his Majesty's commissioners of exbe granted by cife in Scotland for the time being; and the duties for the same oners of excise shall be paid at the chief office of excise in Edinburgh, in the fame manner as is herein before directed in regard to the licences to be taken out in London, Westminster, or in any other parts within the limits or jurisdiction of the chief office of excise in London; but if fuch licences shall be taken out in any other part of Scotland, without the limits aforefaid, then such licences shall in other places be granted under the hands and feals of the feveral collectors in Scotland, to and supervisors of excise in Scotland, within their respective colbe granted by lections and districts; and the duties for the same shall be paid in like manner as is herein before directed with regard to the licences to be taken out in England, without the limits or jurifdiction of the chief office of excise in London; and such respective commissioners of excise, and the persons appointed by them respectively, and also all such collectors and supervisors, are hereby respectively authorized and required to grant and deliver Licences to be fuch licences to all persons applying for the same, upon their payment of forty shillings for each licence.

IV. And be it further enacted by the authority aforesaid, That every person or persons who shall take out any such licence as aforesaid, is and are hereby required to take out a fresh licence ten days at least before the expiration of twelve calendar months after the taking out the first licence, before he, she, or they do ed every year, presume to trade in, vend, or sell, any gold or silver plate, and in the same manner to renew every such licence from year to year, paying down the like fum of forty shillings for each and every new or renewed licence, at the places and at the times before mentioned; and if any person or persons shall, after the said fifth day of July, one thousand seven hundred and fifty eight, presume, or offer to trade in, vend, or sell, any gold, or silver plate, without first taking out such licence, and renewing the on penalty of same yearly, in manner aforesaid, he, she, or they shall respecforfeiting 201. tively forfeit and lose the sum of twenty pounds for each of-

Duty remitted on plate unfinished and

fence. V. Provided always, and be it further enacted by the authority aforefaid, That from and after the faid first day of June,

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one thousand seven hundred and fifty eight, no duty shall be paid not fit for use for, or in respect of, any quantity of silver plate which hath before I June. been, or shall be, entered upon the books of the excise officers, 1758. and which shall not be finished and fit for use before the said first day of June; but that the persons in whose names such entries are or shall be made, shall be exonerated from all duty upon such plate, or so much thereof, as they shall produce to the officers of excise, after the said day, unfinished, and not fit for ufe.

VI. And be it further enacted by the authority aforesaid, That Persons deemall persons using the trade of selling or vending gold or silver ed traders in, plate, or any goods or wares composed of gold or filver, or any and venders goods or wares in which any gold or filver is or shall be manu- in the act, and factured; and also all persons employed to sell any gold or silver liable to take plate, or any fuch goods or wares aforesaid, at any auction or out licences. publick sale, or by commission, shall respectively be deemed traders in, fellers or venders of gold or filver plate, within the intent and meaning of this act, and shall take out a licence for the same.

VII. Provided always, That persons in partnership, and car- In copartnerrying on their trade or business in one house, shop, or tenement ships, where only, shall not be obliged to take out more than one licence in trade is carriany one year, for the carrying on fuch trade or business; and ed on in one that no licence for trading in, felling, or vending, gold or filver one licence is plate, shall authorize and impower any person or persons to sufficient. whom the same may be granted, and who shall fell such gold Licence to or filver plate in shops, to trade in, fell, or vend, such gold or serve for the filver plate, in any other shop or place, except in such house, &c. onfilver plate, in any other shop or place, except in such houses or ly for which places thereunto belonging, wherein he, she, or they, shall in-it was granthabit and dwell, at the time of granting fuch licence, or in booths ed. or stalls at fairs or markets.

VIII. And be it further enacted by the authority aforesaid, Duties to be That from and after the said fifth day of July, one thousand paid over into feven hundred and fifty eight, all the money arifing by the faid the excheduty on licences (the necessary charges of raising and accounting quer, separate for the same excepted) shall, from time to time, be paid into from all other for the same excepted) shall, from time to time, be paid into branches of the receipt of his Majesty's exchequer at Westminster, separate the publick and apart from all other branches of the publick revenues; and revenues, and are hereby appropriated, and shall be applied to the same uses to be applied and purposes, and in such manner, as the said duty hereby re- to the same pealed is, by the faid act made in the fixth year of his late Ma-duty on plate. jesty's reign, appropriated unto and directed to be applied, subject to fuch redemption as is mentioned in the faid act with respect to the said duty; and if any surplus shall remain of the Surplus moproduce of the faid duty hereby granted, after such uses and nies to be repurpoles are answered and fatisfied, or money sufficient shall be served for the reserved for that purpose, such surplus shall be reserved for the tuture disposireserved for that purpose, such surplus shall be reserved for the tion of parfuture diposition of parliament.

IX. And be it further enacted by the authority aforesaid, No drawback That no drawback whatfoever shall be allowed or paid, upon, to be allowed for, or in respect of the exportation of any silver place which on exportati-

thall on of plate.

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shall have been, or shall be, imported into, or made, wrought, or manufactured, in this kingdom, either before, on, or after the faid first day of June, one thousand seven hundred and fifty eight, and which shall be entered for exportation after the said first day of June, one thousand seven hundred and fifty eight; any former act or acts of parliament to the contrary notwithitanding.

Traders, &c. in gold or filver lace, iilver wire, thread, or tringe, not out licences.

X. Provided always, and be it further enacted by the authority aforesaid, That this act shall not extend to subject any perfon or persons to any penalty or forfeiture, for, or in respect of, his, her, or their trading in, felling, or vending, gold or filver lace, or gold or filver wire, thread, or fringe, without taking out obliged totake such licence as aforesaid; nor to repeal or alter any drawbacks or allowances now payable upon the exportation of any fuch lace, wire, thread, or fringe; any thing herein before contained

to the contrary notwithitanding.

Profecutions for recovery of penalties,

if incurred within the limits of the chief office of excise of London, to be termined by three of the commissioners, appeals, by the commissioners for appeals. Profecutions within other counties and places, to be heard and determined by two justices; and in cafes

Commissionfirmmon oftenders;

of appeal, by

the justices at

their quarter

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XI. And be it further enacted by the authority aforefaid, That all profecutions for the recovery of penalties and forfeitures, incurred for offences committed against this act, shall and may be heard, adjudged, and determined, either by bill, plaint, or information, in any of his Majesty's courts of record at Westminster, or in the court of Exchequer in Scotland, if such penalty or forfeiture shall be incurred there, or in such manner and form as hereafter is directed; that is to fay, All profecutions for recovery of penalties and forfeitures, incurred for offences committed against this act, within the limits or jurisdiction of the chief office of excise in London, shall and may be heard, adjudged, and determined, by any three or more of the committiheard and de oners of excise in England for the time being; and in case of appeal from the judgement of the faid commissioners (and not otherwise) shall be heard, adjudged, and determined, by the commissioners for appeals for the time being, or the major part and in cases of of them, whose judgement therein shall be final; and all prosecutions for recovery of penalties and forfeitures, incurred for oftences committed within all or any other the counties, shires, stewartries, cities, towns, or places, within the kingdom of Great Britain, shall and may be heard, adjudged, and determined, by any two or more of the justices of the peace residing near to the place where such offence shall be committed; and if either the informers or defendants thall think themselves aggrieved by the judgement given by fuch justices, it shall and may be lawful for every fuch informer or defendant, to appeal to the justices of the peace at the next quarter fession to be holden in and for the county, thire, stewartry, city, town, or place, where the penalty or forfeiture shall be incurred, who are hereby authorized and impowered to hear, adjudge, and determine the fame, and whose judgement therein shall be final; and the said commissioners ers and justices for excise, and commissioners for appeals (in case of appeal) and impowered to all justices of the peace aforesaid, respectively, are hereby authorized and required, upon complaint or information, upon oath, exhibited and brought before them respectively, as aforefaid,



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faid, of the commission of any offence against this act (which oath the said commissioners, and justices of the peace respectively, are hereby authorized to administer) to summon the party or parties accused; and upon the appearance or contempt of any and upon their person or persons so summoned, to proceed to the examination appearance, of the matter of fact; and upon due proof made thereof, either to proceed to by the voluntary confession of the person or persons so summon- the examinaed, or by the oath of one or more credible witness or witnesses tion of the (which oath they the faid commissioners and justices respectively matter of fact, have hereby power to administer) to give judgement or sentence and give thereupon, and to award and iffue out warrants under their judgment, thereupon, and to award and iffue out warrants under their hands respectively, for the levying of such penalties or forfei- and award tures upon the goods and chattels of such person or persons, thereupon; and to cause sale to be made of such goods and chattels, if they shall not be redeemed within fourteen days; rendering to such and for want person or persons the overplus (if any be) and for want of suf- of distress, ficient distress, to imprison the party or parties offending, till to commit the fatisfaction be made.

XII. And it is hereby further enacted, That all penalties and Application of forfeitures which shall be recovered, for any offences committed the penalties against this act (all necessary charges for the recovery thereof and forfeibeing first deducted) shall be distributed, one moiety thereof for tures. the use of his Majesty, his heirs, and successors, and the other moiety thereof to him, her, or them, who shall inform or sue for the fame.

XIII. And be it further enacted by the authority aforesaid, Limitation of That if any action or suit shall be commenced against any per-actions. fon or persons, for any thing done in pursuance of this act, in that part of Great Britain called England, the defendant or defendants in any such action or suit, may plead the general issue, General issue. and give the special matter in evidence, at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this act; and if it shall appear so to have been done, the jury shall find for the defendant or defendants; and if the plaintiff shall be nonsuited, or discontinue his action, after the defendant or defendants shall have appeared; or if judgement shall be given upon any verdict or demurrer against the plaintiff, the defendant or defendants shall and may recover treble Treble costs. costs, and have the like remedy for the same, as any defendant or defendants hath or have in other cases by law; and if such Defendants action or suit shall be commenced or prosecuted in that part of plea in action Great Britain called Scotland, the court before whom such action brought in or fuit shall be brought, shall allow the defendant to plead this Scotland. act on his defence; and if the pursuer shall not insist on his Descendant reaction; or if judgement shall be given against such pursuer, the covering, aldefender shall and may recover the full and real expences he lowed his exmay have been put to by any fuch action or fuit.

XIV. And whereas by a clause in an act of parliament made in the Recital of twelfth year of his present Majesly's reign, intituled, An act for the clause in act better preventing frauds and abuses in gold and filver wares; 12 Geo. 2. every person who should cast, forge, or counterfeit, any of the marks

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or stamps of the goldsmiths company in London, or any of the marks er stamps appointed to be used for marking wrought plate at York, Exeter, Brittol, Chester, Norwich, or Newcastle upon Tyne, or any mark, flamp, or impression, to resemble any mark, stamp, or impression, to be made with any mark or stamp to be used by the faid company in London, or by the wardens or affayers at any of the other places aforefaid, in pursuance of the faid act, or any other acts of parliament then in force; or mark or flamp with any such counterfeit mark or stamp, any wrought plate of gold or silver, or any wares of brass, or other base metal, silvered or gilt over, and resembling plate of gold or silver; or transpose or remove from one piece of wrought plate to another, or to any veffel of fuch base metal, any of the marks, stamps, or impressions, made, or to be made, with any of the marks or stamps of the faid company, or of the faid wardens or assayers, used, or to be used, in pursuance of the said or any other act then in force; or cause to precure any of the said offences to be committed, or sell, exchange, or expose to sale, any manufacture of gold or silver, or export the same with any such forged, counterfeit, or transposed mark, stamp, or impression, knowing the same to be forged, counterfeited, or transposed, was made liable, for every offence, to the forfeiture of one bundred pounds; and for default of payment, to imprisonment, in manner therein mentioned: and whereas, notwithstanding the penalty or punishment inflicted by the said clause, great quantities of gold and filver plate of a base and inferior standard, with such forged, counterfeit, or transposed marks, stamps, and impressions, are now frequently vended in this kingdom, and also experted to foreign parts; and it is necessary that all persons guilty of such practices for the future, should be subjected to exemplary punishment, in order to deter, as far as may be, the commission of officies, manifefly tending to the detriment of the fair trader, and the diminution of the wealth, the credit, and the commerce of this kingdom; be it therefore enacled by the authority aforesaid, That the said clause shall, from and after the fifth day of July, one thousand seven hundred and

The recited claufe repeal-

Penalty of forging or counterfeiting the stampuled for marking plate, in purfuance of the recited act of 12 Geo. 2, &c. by the goldfiniths

fifty eight, be, and is hereby repealed. XV. And he it further enacted by the authority aforesaid, That if any person whatsoever, from and after the said fifth day of July, one thousand seven hundred and fifty eight, shall cast, forge, or counterfeit, or cause or procure to be cast, forged, or counterfeited, any mark or stamp used, or to be used, for making gold or filver plate in pursuance of the faid act, or of any other act or acts of parliament now in force, by the company of goldsmiths in London, or by the wardens, or affayer or affayers, at York, Exeter, Briftel, Cheffer, Norwick, or Newcastle upon Tyne, company, &c. or by any maker or worker of gold or filver plate, or any or either of them; or shall cast, forge, or counterfeit, or cause or procure to be cast, forged, or counterfeited, any mark, stamp, or impression, in imitation of, or to resemble any mark, stamp, or impression, made, or to be made, with any mark or stamp, used, or to be used, as aforesaid, by the said company of goldfmiths in London, or by the faid wardens, or affaver or affavers, or by any maker or worker of gold or filver plate, or any or

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either of them; or shall mark or stamp, or cause or procure to or of marking be marked or stamped, any wrought plate of gold or silver, or plate, &c. with any wares of brass, or other base metal, silvered or gilt over, and counterseited resembling plate of gold or silver, with any mark or stamp which stamp; hath been or shall be forged or counterfeited, at any time either before, on, or after, the faid fifth day of July, in imitation of, or to resemble, any mark or stamp used, or to be used, as aforefaid, by the faid company of goldsmiths in London, or by the faid wardens, or affayer or affayers, or by any maker or worker of gold or filver plate, or any or either of them; or shall trans- or of transpole or remove, or cause or procure to be transposed or remov- poling the ed, from one piece of wrought plate to another, or to any vessel sed from one of fuch base metal, as aforesaid, any mark, stamp, or impressi- vessel to anoon, made, or to be made, by or with any mark or stamp used, thers or to be used, as aforesaid, by the said company of goldsmiths, in London, or by the faid wardens, or affayer or affayers, or by any maker or worker of gold or filver plate, or any or either of them; or shall fell, exchange, or expose to sale, or export out or of selling or of this kingdom, any wrought plate of gold or filver, or any exporting vessel of such base metal, as aforesaid, with any such forged or plate with a counterfeit mark, stamp, or impression, thereon, or any mark, terfeit or stamp, or impression, which hath been or shall be transposed or transposed removed from any other piece of plate, at any time either be- mark: fore, on, or after, the faid fifth day of July, knowing fuch mark, stamp, or impression, to be forged, counterfeited, or transposed, or removed, as aforefaid; or shall wilfully and knowingly have, or be possessed of, any mark or stamp which hath been or shall or of having be forged or counterfeited, at any time, either before, on, or any such stamp after, the said fifth day of July, in imitation of, or to resemble, in possession: any mark or stamp used, or to be used, as aforesaid, by the said company of goldfmiths in London, or by the faid wardens, or affayer or affayers, or by any maker or worker of gold or filver plate, or any or either of them; every such person offending is felony, in any, each, or either of the cases aforesaid, being thereof law- without benefully convicted, shall be adjudged guilty of felony, and shall suf- fit of clergy. fer death as a felon, without benefit of clergy.

CAP. XXXIII.

An ast for enabling his Majetty to raise the sum of eight hundred thousand pounds, for the uses and purposes therein mentioned; and for further appropriating the supplies granted in this session of parliament.

Preamble. 800,000l. granted to his Majesty. His Majesty, by warrant under his royal fign manual, may, at any time before 5 Jan. 1759, authorize the commissioners of the treasury to raise the said sum, either by loans, or exchequer bills; in the fame manner as is prescribed, concerning loans or exchequer bills, by the malt act of this feilion. All clauses, provisoes, and powers, &c. in the faid act, relating to loans and exchequer bills, extended to this act. Exception. The money fo raised, to be repaid out of the first supplies; and if none be granted before 5 July 1759, then to be paid out of the finking fund; and the monies to be iffued thereout accordingly. Monies iffued out of the finking fund, to be replaced out of the first supplies. Monies arising into the exchaquer by the malt act, land tax, annuity and lottery act; and also the sum of 300,000l. granted out of the finking fund, by an act of this fellion, and 93, 3711. 118. 7d. 34. furplus remaining in the exchequer of the produce of the finking fund,



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for the quarter ended to October 1757; and 492,400l. 8s. 3d. furplus of the produce of the faid fund, on 5 April, 1758; and 1,606,076l. 5s. id. iq. directed to be iffued out of the furpluffes of the faid fund; and 800,000l. by this act granted are appropriated in general; viz. out of all, or any the faid supplies, any sum not exceeding 3,544.421l. 58. 8d. for naval services herein expressed; 300,000l. towards paying off the debt of the navy; 10,000l. towards building the hospital for sick and wounded near Gosport. 10,000l. towards building the hospital for sick and wounded near Plymouth. 10,000l. upon account, towards the support of Greenwich hospital; 391,8071.78.3d. for charge of the office of ordnance for land fervice; 4,032,772l. 38. 9d. 1q. for land forces, &c. in general; viz. 1,253,3681. 18s. 6d. thereof, for charge of guards, garrifons, and land forces in Great Britain, Guernley, and Jerley; 37,4521. 38.4d. for pay of the general, and general staff officers, &c. 623,7041. os 2d. for the forces and garrifons in the plantations and Gibraltar; and provitions for the garrifons in Nova Scotia, Newfoundland; Gibraltar, and Providence; 43,968l. 45. 2d. for the four regiments of foot on the Irish establishment ferving in North America, and the East Indies; 35,602l. to the reduced officers of the land forces and marines; 3,0981. 178. 11d. allowance to the officers and private gentlemen of the two troops of horse guards, and regiment of horie reduced, and furerannuated gentlemen of the four troops of horse guards; 2,2261, for pay of widows pensions; 26,0001, upon account, for out-pensioners of Chellea hospital; 145,454. 158. 1q. for extraordinary exp.nces of the land forces, and other fervices incurred in 1757, not provided for; 38,360l. 198. 10d. 3q. for troops of the landgrave of Hesse Cassel, in the pay of Great Britain, from 25 Dec. 1757, to 22 Feb. 1758; together with the subsidy for the said time, pursuant to treaty; 38,360l. 198. 10d. 3q. for defraying the charge of the said troops, and payment of like subsidy, from 23 Feb. 1758, to 23 April following, 165,175l. 4s. 10d. 1q. for defraving the remaining charge of the faid troops and fubfidy, from 25 Dec. 1757, to 24 Dec. 1758, inclusive; zco,ocol. upon account, towards subfifting and keeping together the armies formed last year in his Majeity's electoral dominions, employed in concert with the King of Prussia; 463,0811.68. rod for the troops of Hanover, Wolfenbuttle, Saxe Gotha, and count of Buckkeburgh, employed in concert with the King of Prussia; from 28 Nov. 1757, to 24 Dec. 1758, inclusive; to be iffued in advance every two months; and the troops to be mustered by an English commissary, &c. 386.9151. 138. 2d. in full for defraying all extraordinary charges and contingencies of his Majesty's army employed in concert with the King of Pruisia, from 28 Nov. 1757, to 24 Dec. 1758, inclusive; the faid fum to be issued as the pay of the faid troops; 670,000l. to the King of Pruffin purfuant to treaty. 800,000l. to discharge the like sum raised in pursuance of an act of the last session, and charged upon the first aids; 800,000l. upon account to his Majesty, to def. ay extraordinary expences of the war, &c. 9,902!. 58. upon account, for supporting the colony of Nova Scotia; 6,626l. 98. 9d. 2q. upon account, for defraving the charges incurred by supporting the said colony in 1756, not provided for; 3,557l. 10s. for defraying the charges of the civil ettablishment, &c. of the colony of Georgia, from 24 June, 17 57, to 24 June 2758; 21,000l. to make good the like fum iffued by his Majefty's orders, purfuant to an address of the house; 40,000l. to the Foundling hospital; to be paid without any fee or deduction; 281,802l. is. 3q to make good the deficiency of the grants for the year 1757; 15,000l. towards rebuilding London bridge; 100,000l. upon account, for pay and cloathing for the militia for 1758, and expences incurred in 1757; 10,000l towards fortifying the harbour of Milford; 27,380l 19s. 11d. 2q. for reimburfing to the province of Mullachufet's bay, the expences in furnithing provisions and flores to the troops railed there in 1756; 13,736l. 178. -d. for reimbur. fing to the colony of Connecticut, their expences in furnishing provisions and stores to the troops raised there in 1756; 20,00cl. upon account, to the East India company, towards defraying the expence of a military force there; 4.000l. for regaining the church of St. Margaret, Westminster; Togetoi. for Supporting the British forts on the coast of Africa. The faid fighlies to be applied as herein directed, and not otherwife. Regulations



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to be observed in the application of the half pay. Act 30 Geo. 2. Surplus of the half pay arising from the last year's grants, to be disposed of to fach officers, widows, or children, as his Majerty shall judge to be proper objects of charity.

CAP. XXXIV.

An all for enlarging the times for the first meetings of commissioners or irustees, for putting in execution certain alls of this session of parliament; and for other purposes therein mentioned.

WHEREAS by several acts of this present session of parliament, Preamble. the first meeting of the commissioners or trustees for putting fuch acts, or any part or parts thereof, in execution, hath been or may be appointed or directed to be held before or upon the day of paffing of fuch acts respectively, whereby several doubts and difficulties may arise with respect to the due execution of the said acts; be it therefore enacted by the King's most excellent majesty, by and with the advice and confent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That in case any act of parliament hath where the passed, or doth or shall pass, at any time whatsoever, during this first meeting present session of parliament, upon or after the day specified in of commissionany fuch act, for the first meeting of the commissioners or trusters or trusters tees appointed to put the same, or any part thereof, in execution, shall have been appointed, on in each and every such case, such commissioners or trustees re- or before the spectively, or the same number of such respective commissioners day the acts or trustees, as is or shall be authorized to hold such first meeting, appointing the or any greater number of them, shall and may hold their first same shall have passed, meeting upon the fourteenth day after the passing of this act, at such meeting such places as were respectively appointed in such acts for holding is to be held the first meetings on the days therein specified; and all such on the 14th commissioners or trustees, or any number of them as aforesaid, day after the being so assembled respectively on the said fourteenth day after passing of this the passing of this act, shall and may proceed to the execution of fuch acts respectively; and then, and from time to time afterwards, adjourn, and do and perform all fuch matters and things, and execute all the powers and authorities granted to them in the faid acts respectively, in the same manner, and as fully and effectually to all intents and purposes, as if such commissioners or trustees had been assembled in pursuance of, and on the respective days specified or appointed in such acts, for holding the first meeting of said commissioners or trustees; any thing therein contained to the contrary notwithstanding.

II. And whereas several atts of parliament have been made for amending and keeping in repair divers roads in Great Britain; and whereas it may have happened that a sufficient number of the trustees or commifficaters for putting fuch respective acis in execution, have negletted to meet at juch times and places, as were appointed or directed in pursuance of the faid several acts, and that adjournments may not have been made to meet at any future time ; and whereas the cierks or

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Where truf-

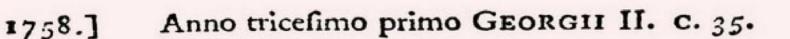


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other officers to the faid trustees or commissioners, when proper adjournments have not been made, may have negletted, or omitted to give Such proper notices, as the faid respective acts have required to be made or given, of the next meeting of the faid truflees or commissioners, notwithstanding which neglects or omissions, the said trustees or commissioners, have met and proceeded to put in execution the said several acts aforefaid: and whereas doubts have arifen, or may arife, with regard to the validity of the proceedings of the faid truffees or commissioners, who have met and acted in the execution of the faid several acts, notwithstanding such omissions or neglects had happened: for obviating whereof; be it further enacted by the authority aforefaid, That where ever it has happened that any fuch trustees or commissioners as aferefaid, at anytime before the passing of this tees for repairact, have neglected to meet and adjourn, according to the direchave neglected tion of the faid respective acts, or their clerks or officers shall have neglected to give fuch notice of any future meeting, as by the faid respective acts is directed; such omission or neglect of give notice of the said trustees and commissioners, or of their clerks or other officers, shall not in any manner defeat, invalidate, or make void, any act, matter, or thing, already done by any of the faid trustees or commissioners, in pursuance of the said acts of parthe validity of liament, or any of them, but that every fuch act, matter, or the proceed- thing, shall be good, valid, and effectual in the law, to all intents ings of the faid and purposes, and shall be so adjudged and taken, notwithstandtrustees, is not ing any such want of adjournment, or proper notice as aforesaid; any law or usage to the contrary thereof in any wise notwith-When a suffi-standing: and when it shall hereafter happen that a sufficient number cient number of trustees or commissioners, do not meet to put of trustees, &c. the said several acts in execution, that then the clerk or other officer of the faid trustees or commissioners, may and shall, at within 10 days any time within the space of ten days after such omission or neglect of the faid trustees to meet as aroresaid, appoint such trustees point a certain or commissioners, to meet at the house or place where the then time and place last meeting was appointed to be held, on the day three weeks after the date of fuch notice; and in case such clerk or other officer, shall refuse or neglect to give such notice, for the space of ten days, that then it shall and may be lawful for any three or more of the said trustees or commissioners, appointed by the tice, 3 trustees said respective acts, at any time within the space of ten days after fuch neglect or refuful of the clerk or other officer, to appoint fuch meeting; fuch trustees or commissioners, to meet at the house or place where the then last meeting was appointed to be held, on the day three weeks after the date of fuch notice; which faid respective acts respective notices in writing shall be affixed on such places as the faid several acts respectively direct, and the same shall be deemed and taken to be sufficient notice; any law or usage to the contrary notwithstanding.

ing particular roads thall to meet and adjourn, or their clerks to any future meeting, as the respective shall not meet to act, clerk, after to ap. for their next meeting; and on the clerks neglect or refusal to may appoint Notices to he fixed on fuch places as the

direct.



CAP. XXXV.

An all to continue several laws therein mentioned, for granting a liberty to carry sugars of the growth, produce, or manufacture, of any of his Majesty's Sugar colonies in America, from the said colonies directly into foreign parts, in flips built in Great Britain, and navigated according to law; for the preventing the committing of frauds by bankrupts; for giving further encouragement for the importation of naval stores from the British colonies in America and for preventing frauds and abuses in the admeasurement of coals in the city and liberty of Westminster; and for preventing the stealing or destroying of madder roots.

THEREAS the laws berein after mentioned, which have Preambles by experience been found useful and beneficial, are near expiring; may it therefore please your most excellent Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That an act made in the twelfth year of the reign of his present Majesty, intituled, An act for granting a liberty to carry Sugars of the growth, produce, or ma- Act 12 Geo. 20 nufacture of any of his Majesty's sugar colonies in America, from which was the faid colonies directly to foreign parts, in Ships built in Great Bri- feveral subsetain, and navigated according to law; which was to continue in quent acts, force for five years, from the twenty ninth day of September one thousand seven hundred and thirty nine, and from thence to the end of the then next fession of parliament; and which by several acts made in the feventeenth and twenty fourth years of the reign of his present Majesty, was further continued until the first day of September one thousand seven hundred and fifty seven, and from thence to the end of the then next fession of parliament; shall be, and the same is hereby further continued from the ex- further contipiration thereof, until the twenty ninth day of September one nued to 29 thousand seven hundred and fixty four, and from thence to the Sept. 1764. end of the then next fession of parliament.

II. And be it further enacted by the authority aforefaid, That Act 5 Geo 2. an act made in the fifth year of the reign of his present Majesty, whichwas conintituled, An act to prevent the committing of frauds by bankrupts; tinued and awhich was to continue in force for three years, from the twenty veral fublefourth day of June one thousand seven hundred and thirty two, quent acts, and from thence to the end of the then next fession of parliament; and which by feveral subsequentacts made in the ninth and fixteenth years of the reign of his present Majesty, was further continued until the twenty ninth day of September one thousand feven hundred and fifty; and which by another act made in the twenty fourth year of the reign of his prefent Majedy, was

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nued to 29

Sept. 1764.

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amended and further continued to the first day of September one thousand seven hundred and fifty seven, and from thence to the end of the then next session of parliament; shall be, and the same is hereby further continued from the expiration thereof, further contiuntil the twenty ninth day of September one thousand seven hundred and fixty four, and from thence to the end of the then

next fession of parliament.

Part of the act of 8 Geo. I. importation ber, from America,

III. And be it further enacted by the authority aforesaid, That so much of an act made in the eighth year of the reign of his late relating to the majesty King George the first, intituled, An act for giving further encouragement of the importation of naval stores; and for other purposes ber, and lum. therein mentioned; as relates to the importation of wood and timber, and of the goods commonly called lumber, therein particularly enumerated, from any of his Majesty's British plantations or colonies in America, free from all customs and impositions whatfoever, which was to be in force for twenty one years, from the twenty fourth day of June one thousand seven hundred and twenty two; and which by several subsequent acts made in the fixteenth and twenty fourth years of the reign of his present Majesty, was further continued until the first day of September one thousand seven hundred and fifty seven, and from thence to the end of the then next session of parliament; shall be, and the same is hereby further continued from the expiration thereof, until the twenty ninth day of September one thousand seven hundred and fixty four, and from thence to the end of the then next

further continued to 29 Sept. 1764.

fession of parliament.

Act 19 Geo. 2. which was continued by feveral fublequent acts,

IV. And be it further enacted by the authority aforefaid, That an act made in the nineteenth year of the reign of his present Majesty, intituled, An act more effectually to prevent the frauds and abuses committed in the admeasurement of coals within the city and liberty of Westminster, and several parishes near thereunto; which was to continue in force from the twenty fourth day of June one thousand seven hundred and forty six, for the term of three years, and from thence to the end of the then next session of parliament; and which by two subsequent acts, one of the twenty third, and the other of the twenty fourth year of the reign of his present Majesty, was further continued until the first day of September one thousand seven hundred and fifty seven, and from thence to the end of the then next fession of parliament; shall, and the same is hereby further continued from the expiration thereof, until the twenty fourth day of June one thousand seven hundred and fifty nine.

further continued to 24 June, 1759.

V. And whereas the growth and cultivation of madder is of great consequence to the trade and manufactures of this kingdom: therefore, for preventing the stealing or destroying of madder roots; he is enacted by the authority aforesaid, That if any person or perfons shall steal and take away, or wilfully and maliciously pull ing or destroy, up, or destroy, any madder roots growing or being in any lands or grounds belonging to any person or persons, and shall be thereof convicted before any justice or justices of the peace of the county, town, or place, where the offence shall be committed,

Persons coning madder roots,

Anno tricesimo primo Georgii II. c. 36. 1758.

either by confession of the party offending, or by the oath of are, for the any credible witness or witnesses (which oath such justice or first offence, instices is and are hereby authorized and improvered to admini to make satisjustices is and are hereby authorized and impowered to admini- faction for the iter) every person so offending, and being convicted of such damage; offence in manner herein before mentioned, shall, for the first offence, give and pay to the owner or owners of the madder roots fo stolen, pulled up, or destroyed, such satisfaction for his or their damage thereby fustained, and within such time, as the faid justice or justices shall appoint; and shall over and above and pay to the pay down upon such conviction unto the overseers of the poor overseers of of the parish where the offence or offences was or were committed, the poor of for the use of the said poor, such sum of money, not exceeding fine not exten shillings, as to the said justice or justices shall seem meet; and ceeding 105. if any fuch offender or offenders shall not make such recompence or be comor fatisfaction to the faid owner or owners, and also pay such sum mitted to the to the use of the poor, in manner and form aforesaid; then the said rection for z justice or justices shall and may commit such offender or offen-month, ders to the house of correction, for any space not exceeding one month; or shall and may order such offender or offenders to and on con-be whipped by the constable, or other officer, as to the said ju- viction of a flice or justices shall seem meet; and if any such person or per-like offence fons shall again committhe like offence, and be thereof convicted, the second as aforesaid, then he, she, or they, so offending the second time, time are to be and being thereof convicted, as aforesaid, shall be committed to committed for the house of correction for three months.

VI. Provided always, That no person or persons shall be Prosecution to profecuted for any fuch offence of stealing, pulling up, or de-be within 30 stroying of madder roots, unless such profession be because days after the stroying of madder roots, unless such profecution be begun offence.

within thirty days after the offence committed.

CAP. XXXVI.

An all for continuing certain laws therein mentioned relating to British Sail cloth, and to the duties payable on foreign Sail cloth; and to the allowance upon the exportation of British made gunpowder; and to the encouragement of the trade of the Sugar colonies in America; and to the landing of rum or spirits of the British surgar plantations, before the duties of excise are paid thereon; and for regulating the payment of the duties on foreign exciseable liquors; and for the relief of Thomas Watton, with regard to the drawback on certain East India calicoes; and for rendering more commodious the new passage leading from Charing Crois.

WHEREAS certain laws herein after mentioned, are found preamble. piring, and it is fit they should be continued; be it therefore enacted by the King's most excellent majesty, by and with the advice and confent of the lords spiritual and temporal, and commons, in this prefent parliament affembled, and by the autho-VOL. XXII.

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Act 9 Geo. 2. which was continued by feveral tublequent acis,

rity of the same, That an act made in the ninth year of the reign of his present Majesty, intituled, An act for further encouraging and regulating the manufacture of British fail cloth; and for the more effectual securing the duties now payable on foreign fail cloth imported into this kingdom; which was to continue in force from the twenty fourth day of June, one thousand seven hundred and thirty fix, for the term of five years, and from thence to the end of the then next fellion of parliament; and which by feveral subsequent acts made in the thirteenth and twenty fourth years of the reign of his present Majesty, was further continued until the twenty fifth day of December, one thousand seven hundred and fifty seven, and from thence to the end of the then next session of parliament, shall be, and the same is hereby further continued from the expiration thereof, until the twenty ninth day of September, one thousand seven hundred and fixty four, and from thence to the end of the then next fession of parliament.

further contiaued to 29 Sept. 1764.

which was continued by several tublequent acts,

II. And be it further enacted by the authority aforesaid, That Act 4 Geo. 2. an act made in the fourth year of the reign of his present Majesty, intituled, An act for granting an allowance upon the exportation of British made gunpowder; which was to continue in force for five years, from the twenty fourth day of June, one thoufeven hundred and thirty one, and from thence to the end of the then next session of parliament; and which by several subfequent acts made in the tenth, fixteenth, and twenty fourth years of the reign of his present Majesty, was further continued until the twenty fourth day of June, one thousand seven hundred and fifty feven, and from thence to the end of the then next fession of parliament, shall be, and the same is hereby furfurther conti- ther continued from the expiration thereof until the twenty ninth day of September, one thousand seven hundred and fixty four, and from thence to the end of the then next session of parliament.

nued to 29 Sept. 1764.

Act 6 Geo. z. which was continued by feveral fubiequent acts,

III. And be it further enacted by the authority aforesaid, That an act made in the fixth year of the reign of his present Majefty, intituled, An act for the better securing and encouraging the trade of his Majesty's sugar colonies in America; which was to continue in force for five years, to be computed from the twenty fourth day of June, one thouland leven hundred and thirty three, and to the end of the then next session of parliament; and which by feveral subsequent acts made in the eleventh, nineteenth, twenty fixth, and twenty ninth years of the reign of his présent Majesty, was further continued until the twenty fourth day of June, one thousand seven hundred and fifty nine, shall be, and the same is hereby further continued from the expiration further conti- thereof, until the twenty ninth day of September, one thousand feven hundred and fixty one.

nued to 29° Sept. 1761.

Part of act 15 & 16 Geo. z. relating to the

IV. And be it further enacted by the authority aforefaid, That fo much of an act made in the fifteenth and fixteenth years of his present Majesty's reign, intituled, An act to impower the importers or proprietors of rum, or Spirits of the British Sugar plan-

tations,



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tations, to land the same before payment of the duties of excise charg- landing of ed thereon, and to lodge the fame in warehouses at their own expense; rum, &c. and for the relief of Ralph Barrow, in respect to the duty on Some paid, which rock fait lost by the overflowing of the rivers Weaver and Dane, as was continued relates to the landing of rum, or spirits of the British sugar by several subplantations, before payment of the duties of excise, and to the sequent acts, lodging of the same in warehouses at the expence of the importers or proprietors thereof; which was to continue in force until the twenty ninth day of September, one thousand seven hundred and forty nine, and from thence to the end of the then next session of parliament; and which, by an act made in the twenty third year of the reign of his present Majesty, was further continued from the expiration thereof, until the twenty ninth day of September, one thousand seven hundred and fifty feven, and from thence to the end of the then next fession of parliament; shall be, and the same is hereby, further continued further contifrom the expiration thereof, until the twenty ninth day of Sep- nued to 29 tember, one thousand seven hundred and fixty four, and from

thence to the end of the then next fession of parliament.

V. And whereas no certain time is appointed for the proprietor or proprietors, importer or importers, of all or any kind of foreign liquors liable to the duties of excise on the importation thereof, to make due entry thereof with the officer or collector appointed for the excise in the port or place where the same shall be imported, and to pay the duties for the same; and several persons have refused or neglected, for a long time after the importation of such foreign excisable liquors, to make due entry thereof, and have infifted to keep the fame on board, and even in some cases, when the ships have been put into the docks to be repaired; by which means the payment of the duties due for the same, have been unfairly postponed and kept back, and the revenue unnecessarily put to a very considerable expence by keeping tydesmen on toard; and great opportunities are also obtained for imbezzling or running on Shore all or part of the Said foreign or exciseable liquors, without payment of any duties for the same, notwithstanding the utmost care and vigilance of the officer to prevent the same: for remedy whereof, be it enacted by the authority aforesaid, That from Foreign liand after the fifth day of July, one thousand seven hun-quors liable to dred and fifty eight, the proprietor or proprietors, importer or the duties of of excise, within thirty days next after the matter or purser for be entered within 30 days that voyage of the ship or vessel wherein the said foreign excite- after the reable liquors, or any of them, thall be imported or brought in- port is made of to the kingdom of Great Britain, shall have or ought to have the contents made a just and true entry or report upon outh, of the butthen, and loading of contents, and loading, of fuch thip or vetlel, in pursuance of the directions of the statute made in the thirtcenth and fourteenth Pursuant to the years of the reign of King Charles the Second, intituled, An at Car. 2 for preventing frauds, and regulating abufes in his Maielly's ou loms; thall make due entry with the officer or collector appointed for the excife, in the port or place where fuch fore on excifcable liquors shall be imported, of all such foreign excateable liquors B b 2

the liquors landed, on forfeiture with the package.

During the continuance of the recited act of 15 & 16 Geo. 2. the or ipirits of the British fitgar plantations;

but the fame may be landed, and fecurity given for the duties as the recited act directs.

In entries of foreign liquors, purfu ant to act 13 & 14 Car. 2.

calks, or other package, with the numbers and marks thereon, and the contents, are to be inferted, on forfeiture of the liquor and package; One moiety to go to the King, the other to the feizer.

on board of such ship or vessel belonging to such proprietor or and the duties proprietors, importer or importers; and shall then, or before, tobe paid then, satisfy and pay the duties of excise due and payable for and in or before, and respect of the said foreign exciseable liquors, and land the same, on pain to forfeit for every neglect or refusal to make due entry or payment, or to land the same, according to the directions of of the liquors, this act, all such foreign exciseable liquors, with the casks and package wherein the same shall be contained on board such ship or vessel belonging to such proprietor or proprietors, importer or importers, of the same, so neglecting or refusing, which shall

and may be seized by any officer or officers of the excise.

VI. Provided always, and it is hereby declared and enacted by the authority aforefaid, That so long as the said act of the fifteenth and fixteenth years of his Majesty's reign shall be continued and in force, nothing in the clause last before mentioned, last mentioned shall extend, or be construed to extend, in any wife to prevent clause is not to or hinder the proprietor or proprietors, importer or importers, extend to rum of any rum or spirits of the growth, produce, or manusacture, of the British sugar plantations, as shall be imported into the kingdom of Great Britain directly from the faid fugar plantations, or any of them (an entry of fuch rum or spirits being first made within the faid thirty days, as directed by the faid clause last before mentioned) from forthwith landing such rum or spirits, and putting the same into such warehouse or warehouses, and from giving fuch fecurity for the due payment of the duties of excise in pursuance of the directions of the said act of the fifteenth and fixteenth years of his Majesty's reign, if he, the, or they, shall chuse to to do, within the said term of thirty days.

VII. And it is hereby further enacted by the authority aforefaid, That in all entries or reports of any foreign liquors, liable to the duties of excise, to be made by the master or purserof any ship or vessel, in pursuance of the said act of the thirteenth and fourteenth years of the reign of King Charles the Second, the number of the number of casks or other package, with the particular numbers and marks of each of them, and the particular kind of liquors contained in each cask or other package, on board of each respective ship or vessel, shall be inserted in such entries or reports, on pain for every neglect or refusal thereof, to forfeit such liquor, with the cask or other package wherein the same shall be contained, which shall and may be seized by any officer of the excife; any law, cuttom, or usage, to the contrary thereof in any wife notwithstanding; and that all seizures to be made in purfuance of any of the powers given by this act, shall (all necelfary charges for the recovery thereof being first deducted) be employed, one moiety thereof to and for the use of his Majesty, his heirs, and fucceffors, and the other moiety to the leizer or prosecutor.

VIII. And, in order to enable the gaugers or efficers of the excile, the better to alcertain the proof of all foreign imported liquers, liable to the duties of excise; it is hereby further enacted by the autho-

Anno tricesimo primo Georgii II. c. 36.

rity aforesaid, That it shall and may be lawful to and for the Gauger may gaugers or officers of the excise, at any time or times, to take a take a simple sample or samples (not exceeding one quart in the whole) out in order to of each of the casks or other package, containing such foreign ascertain the spirituous liquors, paying for such sample or samples of liquors, proof, paying

after the rate of fixteen shillings per gallon.

IX. And whereas by a Sudden fire which broke out in the work-Shop of Thomas Watson of Morris's Causeway in the parish of Lambeth in the county of Surry, callicse printer, on the eighth day of September, one thousand seven hundred and fifty five, two thou-Sand two hundred and one pieces of printed East India callicoes, of the value of two thousand two hundred and forty nine pounds, fifteen Shillings, and eleven pence, were burnt and destroyed : and whereas sundry duties were paid at the custom-house, London, upon the importation of the faid callicoes, and the same were intended to have been exported to foreign parts, being by law prohibited to be worn in these kingdoms, and upon the exportation thereof, a drawback to the amount of Jeven hundred and thirty fix pounds and four shillings, would have become payable to the exporter thereof: for the relief therefore of the faid Thomas IVatson; be it enacted by the authority aforesaid, That Debenture to the collector or other proper officer or officers of the customs at be made out the port of London, shall, and he and they are hereby im- Watson, for powered and required, to make out and grant a proper deben- 2201 pieces of ture or debentures, for the faid two thousand two hundred and calicoes one pieces of callicoes, whereby the faid Thomas Watson may be burnt, to inintitled to draw back such part of the duties paid on the impor- drawback of tation of the said callicoes, as would have been drawn back up- the duties paid on the exportation thereof, in the same manner as if the said cal- on the imporlicoes had been exported to parts beyond the feas.

X. And whereas the passage called The New Passage leading from Charing Cross into Saint James's Park, is very narrow, inconvenient, and dangerous, and it would be of publick convenience to widen and render the same commodious; be it therefore enacted by The New Pasthe authority aforesaid, That the said passage shall from hence- sage from forth be deemed and taken to be one of the ways, streets, ave- Charing Cross nues, or passages, within the description of an act passed in the into S. James's twenty ninth year of the reign of his present Majesty, intituled, decimed one An act to enable the commissioners for building a bridge cross the river of the ways of Thames, from the city of Westminster to the opposite shore in intended to be the county of Surry, to purchase houses and grounds, and to widen the widened, purways, and to make more fafe and commodious the streets, avenues, act of 29 Geo. and passages, leading from Charing Cross, to the two houses of par- 2. liament, Westminster Hall, and the courts of justice there, and Westminster Bridge; and to enable a less number of commissioners to execute the several acts relating to the faid bridge, trun at prejent are required by law; and for relief of George and James King, with regard to a leafe taken by their late father from the faid committieners, according to the true intent and meaning of the faid act; and all and every the powers and authorities, clauses, rules, forms, directions, matters, and things, prefcribed, mentioned, expressed, and contained in the said act, shall extend, and be B b 3

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accordingly;

and the com- deemed and construed to extend, to impower the said commisimpowered to and commediates for carriages and passengers on foot, the said widen thesame and commodious for carriages and passengers on foot, the said new passage, as fully and effectually to all intents and purposes whattoever, and in fuch manner, and by fuch ways and means, as they the faid commissioners, or any five or more of them, are authorized and impowered to open and widen any ways, streets, avenues, or passages, leading from Charing Cross, to the two houses of parliament, Westminster Hall, and the courts of justice there, and Westminster Bridge, by virtue of the said recited act, or by any of the powers or authorities thereby to them given.

and to apply fuch of the furplus moin their hands after opening. &c. of the other ways and itreets,

as shall be fufficient to render the faid New Pailage modious.

XI. And be it further enacted by the authority aforesaid, That when the faid commissioners shall have caused to be opened and widened all fuch ways, streets, avenues, and passages, niesremaining from Charing Cross aforesaid, to the two houses of parliament, Westminster Hall, and the courts of justice there, and Westmin-Her Bridge, according to the directions of the faid recited act, if any monies granted by parliament, for the purposes of the said act, and the incidental expences thereof, shall then remain in their hands, they the faid commissioners, or any five or more of them, shall and they are hereby authorized, directed, and required, to apply all fuch monies, or so much thereof as shall be sufficient for that purpose, in opening, widening, and rendering fafe and commodious for carriages and paffengers on fafe and com foot, the faid paffage now called The New Paffage, leading from Charing Cross aforesaid, into Saint James's Park, and in defraying the incidental expences thereof, in fuch manner as they, or any five or more of them, shall order, direct, and appoint, according to the true intent and meaning of this act.

CAP. XXXVII.

An act to primit the exportation of certain quantities of malt now lying in his Mujesty's storehouses; and to allow the bounty upon such corn and malt as was shipped and cleared for Ireland, on or before a limited time; and to authorize the transportation of flour, meal, bread, and biscuit, to the iflands of Guernsey and Jersey, for the use of the inhabitants there, in lieu of the wheat, malt, or barley, which may now, by law, be transported to those islands.

Preamble, reciting certain c'autes and provilors in

WHEREAS by an ast of parliament made in the last Session of parliament, intituled, An act to prohibit, for a time to be limited, the exportation of corn, malt, meal, flour, bread, biscuit, and starch, it was enceted, That no person or persons whatact 30 Geo. s. forver, at any time or times before the twenty fifth day of December, one thousand seven kundred and fifty seven, should directly or indirectly export, transport, carry, or convey, or cause or procure to be exported, transforted, carried, or conveyed, out of er from Great Britain or Ireland, or load or lay on board, or caufe or precure to be laden or



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laid on board, in any ship or other vessel or boat, in order to be exported or carried out of the Said kingdoms of Great Britain or Ireland, any fort of corn, meal, malt, flour, bread, biscuit, or starch, under the penalties therein mentioned; and wherein is contained a proviso, That the said act, or any thing therein contained, should not extend to any of the Said commodities which should be exported, or Shipped to be exported, out of or from Great Britain to Ireland, or from Ireland to Great Britain, or from Great Britain or Ireland, to Gibraltar, or unto any of his Majesty's islands or colonies in America, that have usually been supplied with any of the said commodities from Great Britain or Ireland, for the sustentation of the inhabitants of the said islands, colonies, or dominions, or for the benefit of the British fishery in those parts only, under such restrictions, and subject to such forfeitures and penalties, as are therein mentioned; and also another provise, That the said act, or any thing therein contained, should not extend to any wheat, malt, or barley, to be transperted out of or from the port of Southampton only, unto the islands of Jersey and Guernsey, or either of them, for the only use of the inbabitants of those islands, so as the exporter complied with the requisites therein mentioned, and so as the quantity of wheat, malt, and barley, which at any time or times after the passing of the said att, and before the twenty fifth day of December, one thousand feven hundred and fifty seven, should be shipped at the said port for Jersey and Guernsey, or either of them, as aforesaid, did not exceed in the whole, five thousand quarters; and also another proviso, That nothing in the said act contained, should extend to any malt declared or made for exportation on or before the fourth day of December, one thousand seven hundred and fifty six, which should be exparted, provided the requisites therein mentioned, were complied with by the proprietor or proprietors thereof: and whereas the said at was by an all of parliament made in this present session of parliament, further continued from the expiration thereof, until the twenty fourth day of December, one thousand seven hundred and fifty eight; and in which said last-mentioned act is contained a proviso, That during the continuance of such act, the bounty or bounties granted by any law upon the exportation of any of the commodities therein before-mentioned, should not be allowed or paid to any person upon the exportation thereof out of this kingdom, to any place what soever, or by what soever authority the same may be exported: and whereas certain quantities of barley were making into malt and declared for exportation, by or on the behalf of the merchants of Norwich and Yarmouth, before, or about the time of, the passing of the said first mentioned att; and such malt was actually made before the end of January, one thousand seven hundred and fifty seven; and the same malt is now lying in his Majesty's storehouses under the care of the proper officers of excise: and whereas the said malt is not fit for home consumption, but was manufactured for the Holland market; and the said merchants have not been able, by reason of the act passed in this session for continuing the faid former act, to export the faid malt within the time limited by an all for granting a duty upon malt; be it therefore enacted by the King's most excellent majesty, by and with the B b 4 advice



Anno tricesimo primo Georgii II. c. 37. 1758.

Norwich and Yarmouth permitted to export to in a limited time, 200 lasts of Long Malt, lying in the King's storehouses, which were enter'd for exportation on or before 31 Jan. 1757; they giving fecurity for the due land-

advice and confent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the autho-Merchants of rity of the same, That it shall be lawful for the merchants of the city of Norwich, and borough of Yarmouth, in the county of Norfolk, to export, and ship to export, out of this kingdom, on or before the twenty ninth day of September, one thousand Holland, with- seven hundred and fifty eight, to any of the ports in Holland, two hundred lasts of malt, commonly called Long Malt, or any part thereof, now lying in his Majesty's storehouses, under the care of the proper officers of excise, and which was entered and declared for exportation, on or before the thirty first day of January, one thouland leven hundred and fifty feven, in the same manner, as if no act or acts had ever passed to the contrary; so as the exporter, before the lading of such malt, or laying the same on board any ship or vessel, do become bound with other sufficient fecurity, in the treble value thereof, to the commissioners or other chief officer or officers of his Majesty's customs, belonging to the port or place where the same shall be shipped or ing, &c. there- put on board (who is hereby impowered to take such security in of in Holland, his Majesty's name, and to his Majesty's use, and for which security no fee or reward shall be given or taken) that such malt shall be landed in Holland (the danger of the seas and the enemy only excepted) and that fuch malt shall not be landed or fold in any other place whatfoever; any thing contained in any former act or acts of parliament, to the contrary notwithitanding.

II. And be it further enacted by the authority aforelaid, That each and every of the proprietors of the aforefail two hundred lasts of malt is and are hereby acquitted, freed, and discharged, of, and from all penalties whatfoever, by any former act of parliament laid or inflicted on him or them respectively, or which he or they respectively may be subject or liable to, for not removing or clearing the faid two hundred lasts of malt, or any part thereof, out of the storehouse or storehouses, or other place mited by law, or places, within fifteen months after the same was carried therein respectively; any thing contained in any former act or acts of parliament to the contrary in any wife notwithstanding.

III. Provided always, That nothing herein contained thall Proprietors not intitled to intitle the proprietor or proprietors of the faid two hundred any bounty on lasts of malt, or of any part thereof, to any bounty or bounties on fuch exportation; any thing herein contained to the conthe exporta-

trary notwithstanding.

IV. And whereas cer ain quantities of barley were m king into malt, and declared for exportation, by or on the b-half of feveral perjons inhabiting within the diffricts of Lynn and Welis, in the limits of the Lynn collection of excise in the county of Norfolk, on or before the thirtieth day of January, one thou and fiven hundred and fifty seven, and the faid malt is near lying in his Maiefly's florehoules, Inhabitants of and is not fit for home consumption; be it therefore further enacted by the authority aforesaid, That it shall be lawful for the inhabitants of the faid districts of Lynn and Wells, to export, and

Proprietors discharged from all penalties in respect of not clearing the faid malt out of their storehouses within the time li-

Lynn and Wells, per-

tion.

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ship to export, out of this kingdom, on or before the said twen- mitted to exty ninth day of September, one thousand seven hundred and fifty port to Holeight, to any of the ports in Holland, three hundred and fifty land, under like regulalasts of malt, commonly called Long Malt, or any part thereof, tions, 350 lasts now lying in his Majesty's storehouses, under the care of the of Long Malt, proper officers of excise, and which was entered and declared lying in the for exportation, on or before the thirtieth day of January, one houses; thousand seven hundred and fifty seven, in such and the same which were manner, and under the like regulations, as are herein before enter'd for exauthorized and appointed with relation to the exportation of portation on malt, by the merchants of Norwich and Yarmouth; and the in- or before 30 habitants of the faid diffrish (hall be and are beach; all in like Jan. 1757; habitants of the faid districts, shall be, and are hereby also, in like and they are manner, treed and discharged from all penalties incurred or to be in-likewise discurred for not removing or clearing of the faid three hundred and charged from fifty lasts of malt, out of the storehouses or other place or places, all penalties in within the time limited by any former law for that purpose; to. but nothing herein contained shall intitle any proprietor or proprictors of the faid three hundred and fifty lasts of malt, to any bounty or bounties on such exportation; any thing contained in any former act or acts of parliament to the contrary notwithstanding.

V. And whereas divers persons within this kingdom did actually Ship, or cause to be shipped for exportation to Ireland, divers quantities of corn and malt, on or before the twenty fourth day of December, one thousand seven hundred and fifty seven, and the ships Bounties wherein the same were so shipped, were, on or before the said twenty granted by fourth day of December, one thousand seven hundred and fifty seven, tormer acts, actually cleared; be it therefore further enacted by the authority on exportaaforesaid, That the bounty or bounties granted on the expor-tion of corn tation of corn and malt by each and every of the acts of parlia- and malt, to be allowed to ment now in being, shall be allowed and paid to each and every exporters of of the exporter and exporters of corn or malt which was ship- such corn and ped and cleared for exportation to Ireland, on or before the malt as was twenty fourth day of December, one thousand seven hundred shipped for Ireland, on or and fifty seven, in the same manner as if the said act made in before 24 Dec. this present session of parliament had never been made; any 1757. thing therein contained to the contrary notwithstanding.

VI. And whereas it would be of great relief and advantage to the inhabitants of the islands of Jersey and Guernsey, if a sufficient quantity of meal, flour, bread, and biscuit, was allowed to be transported to the faid islands, for the only use of the inhabitants there, in-Stead of the like quantity of wheat, malt, or barley, now allowed by

law to be transported to thoje islands; be it therefore further enacted Liberty grantby the authority aforefaid, That it shall be lawful at any time ed of export. or times before the twenty fourth day of December, one thou-ing from the fand seven hundred and fifty eight, to transport from the port ampton, withof Southampton only, unto the faid islands of Fersey and Guernsey, in a limited for the only use of the inhabitants there, any quantity or quan-time, and in tities of meal, flour, bread, or biscuit, in lieu of the like quan-limited quantities of wheat, malt, or barley, now allowed by law flour, bread, to be transported to the said islands, so that the whole quantity or biscuit. for

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of the use of the

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inhabitants of of wheat, malt, harley, meal, flour, bread, and biscuit, transported to the faid islands before the faid twenty fourth day of Jersey and Guernley;

December, one thousand seven hundred and fifty eight, doth not exceed the quantity of wheat, malt, or barley, now limited by law to be transported to the said islands; and such transportation hereby authorized and allowed, shall be made under such and the like regulations, penalties, and forfeitures, as the transportation of wheat, malt, and barley, to the faid islands is now subject; any thing in any former act or acts contained to the

contrary notwithstanding.

70 lb. averduposte wt. deemed equal to a bushel.

laid before parliament of

the quantities

io exported.

under certain

the fame to be transported

regulations.

VII. And be it further enacted by the authority aforefaid, That in order to ascertain the amount of the said transportation, every seventy pounds averdupoise weight of bread or biscuit, shall be deemed respectively, for the purposes of this act, equal

to one bushel of wheat, malt, or barley. Account to be

VIII. And be it further enacted by the authority aforesaid, That the commissioners of the customs for the time being, shall, and they are hereby required to give a full and true account in writing to both houses of parliament, at the beginning of the next session thereof, of all flour, meal, bread, and biscuit, that shall have been exported to each of the said islands of Fersey and

Guernsey, by virtue or in pursuance of this act.

IX. And be it further enacted by the authority aforefaid, That if any action or fuit shall be commenced against any perfon or persons for any thing done in pursuance of this act, the defendant or defendants in any fuch action or fuit, may plead the general issue, and give this act, and the special matter, in evidence, at any trial to be had thereupon, and that the same was done in pursuance, and by the authority of this act; and if it shall appear so to have been done, the jury shall find for the defendant or defendants; and if the plaintiff shall be nonfuited, or discontinue his action, after the defendant or defendants shall have appeared; or if judgement shall be given upon any verdict or demurrer, against the plaintiff, the defendant or defendants shall and may recover treble costs, and have the like remedy for the fame, as any defendant or defendants hath or have in other cases by law.

General issue.

Treble costs.

CAP. XXXVIII.

An act for applying a fum of money granted in this fession of parliament towards carrying on the works for fortifying and securing the harbour of Milford in the county of Pembroke.

Preamble. 10,000 to be iffued out of the monies granted for the service of the current year, towards carrying on the works for fortifying the harbour of Milford. Commissioners appointed for carrying the purposes of this act into execution. Commissioners may survey and set out the lands proper to be purchased for carrying on the said works; and determine, in a fummary way, all claims and controversies, &c. relating thereto. Lands described within the boundaries of such survey, are vested in trustees, for the benefit of the parties interested, till the purchase monies are paid ; or certificates be made forth for the payment. Commissioners impowered to treat for the absolute purchase of such lands; conveyances thereof deemed valid. Where persons shall refuse to treat or agree, or shall be disabled from treating, &c. Warrant is to be iffued to the theriff for fummoning



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a jury to affels the damage and recompence: theriff to return and fummon a jury accordingly, and attend with his officers, to prove the fervice of such summons; on penalty of forfeiting not exceeding 20 l. nor less than 101. Juror neglecting his duty, without lawful excuse, liable to be fined not exceeding so l. Fines to be estreated into the exchequer. A sufficient jury not attending, the inquest to be adjourned; and a new warrant issued for returning a sufficient number of jurors. Twelve to make a jury; and, upon their being sworn, commissioners to sit till the inquest be taken, and judgement given thereon. Commissioners may summon and examine witnesses upon oath, and cause the evidences and writings of the premises to be produced. 30 days notice to be given of the meetings of commissioners for determining claims; and of the meetings of the juries. Persons summoned, refusing to appear, or to produce the evidences of their estates; liable to be fined not exceeding 5 l. Decrees of commissioners relating to claims, agreements, conveyances, verdicts, and judgements thereupon, to be final and conclusive. Where persons interested shall express their defire to have their claims ascertained by a jury, the commisfioners are to cause a jury to be impanelled and returned for that purpose. Verdict of the jury, and judgement of the commissioners thereon, to be final and conclusive. Entry to be made of all orders, judgements, decrees, agreements, and verdicts; specifying the houses, number of acres, or parcels of land, their abuttals and boundaries, and parties interested; and the fums to be paid for the same. Duplicates thereof to be ingressed on parchment, and certified to the clerk of the crown, and remembrancer of the exchequer. Certificates to be granted to the parties interested; furveyor general of the ordnance, to make out bills thereupon, with debentures for the sums certified, to be paid by the treasurer. Trustees thereupon, to stand seised of the premisses. Certificates, on refusal to be accepted, may be deposited with the clerk of the peace. Where parties interested shall be incapable of taking and disposing of the purchase monies, the commissioners are to decree into whose hands the same shall be paid for their use; and the money to be laid out in other purchases, to be settled to like trufts and uses; and till it shall be so employed, may be placed out at interest. Commissioner not to act where he is interested. Account of the application of the monies for carrying on the works, to be laid every year before parliament. Charges of this act to be first paid. Limitation of actions. General issue. Treble costs.

CAP. XXXIX.

An act for vesting certain messuages, lands, tenements, and hereditaments, for the better securing his Majesty's docks, ships, and stores, at Portsmouth, Chatham, and Plymouth, and for the better fortifying the town of Portsmouth, and citadel of Plymouth, in trustees, for certain uses; and for other purposes therein mentioned.

Preamble. Specification of land to be taken into the intended works and fortifications at Plymouth, Portsmouth, and Chatham, and to vest in certain trustees, till the purchase-money for the same be ascertained and paid; Trustees names. 4 l. per cent. interest allowed for 1 year, on the gross fum affested for the value of the premistes. Purchase money to be paid out of the next aids granted in parliament. Commissioners of claims to be appointed by his Majesty; who are to proceed in a summary way in their determinations, by examination of witnesses, and inspection of evidences, or by a jury of inquest; with power to send for persons and papers; and to agree for, or determine the value of the premisses, by any of those ways and means; their judgements and decrees to be entered in proper books. specifying the particulars of the lands, the proprietors, and purchasemoney a and a duplicate thereof, ingroffed on parchinent, to be certified to the clerk of the crown in chancery, and to the remembrancer in the exchequer; the same to be final and conclusive; and copies thereof to be laid before parliament, in order to the granting a compensation to the proprietors. Commissioners may issue warrants to the respective sherists for impanelling and summoning juries; sherist to obey the said warrants. and fummon and return a jury accordingly; and to attend on the return.



Anno tricesimo primo Georgii II. c.40. [1758.

with his officers, to prove the service of such summons, if necessary. Sheriff neglecting his duty in any of the premittes, to be proceeded against in a funmary way, upon complaint to the court of chancery, &c. till he shall have made satisfaction, and complied with such warrant. Juror neglecting his duty, without lawful excuse, may be fined in a sun not exceeding 201. Fines to be eftreated into the exchequer. Inquest to be adjourned for want of a sufficient jury; and warrants to be issued for return-ing a proper number of jurors. Twelve to be a jury; and upon the jurors being sworn, commissioners to continue sitting, till the inquest be taken, and judgement be given thereon. 30 days previous notice to be given of commissioners meeting for the purposes aforesaid; and where the persons refuse to appear, or produce the evidences of their claims, inquest, &c. to be made upon the best information can be had, upon payment of the fum awarded to the proprietors, the trustees are to stand seised of the premisses, divested of all right and claim. No private buildings to be erected on the faid lands; and the profits arifing therefrom, to be applied in reparation of the fortifications. Commissioners, upon complaint made to them, are to enquire into, and make an estimate of, the damage done to private grounds, by making the new works: and to report their opinions as to what roads may properly be laid out for the conveniency of the adjacent lands. Lord of the manor of Stoke Damereil, allowed to dig lime stones, and other stones, proper for building, or paving the streets of the town, within a certain diffance of the works, and to build lime kilns; and to enjoy a foot-way and passage from the ferry to Dock Town, &c. and also to enjoy a proper landing place on Mutton Cove, and ground to erect keys and wharfs thereon, and a carriage-way to the faine; with the leveral landing places, &c. now used over the creek and river. No ferry boat to be made use of for passage over the creek, except in the King's service, without licence of the lord of the manor. Commissioners exempted from the penalties of the act of 25 Car. 2. 1 W. & M. 13 & 14 W. 3. and 1 Geo. 1. nor is their feat in parliament vacated thereby.

CAP. XL.

An all to ascertain the weight of trusses of straw, and to punish deceits in the sale of bay and straw in trusses in London, and within the weekly bills of mortality, and within the distance of thirty miles thereof, and prevent common salesmen of bay and straw from buying the same on their own account, to sell again; and also to restrain salesmen, brokers, or factors in cattle, from buying on their own account, to sell again, any live cattle in London, or within the weekly bills of mortality, or which are driving up thereto.

Preamble.

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WHEREAS great abuses are committed by persons selling straw in bundles or trusses in the city of London, and within the limits of the weekly bills of mortality, and other places about London, of less weight than the same ought to be, and are pretended to be, between buyer and seller; and also by putting into bundles or trusses of straw and hay exposed for sale, straw and hay different in goodness or quality from what the straw or hay, by the outside of such bundles or trusses, appears to be, and also by putting other things into or amongst such bundles of trusses of straw and hay, to make up or add thereto a salfe weight: for remedy whereof, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from



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from and after the twenty ninth of September one thousand seven Straw to be hundred and fifty eight, all straw which shall be fold or delivered fold within in. or brought to or exposed for sale in I in, or brought to or exposed for sale in London, or any comprized bills, is to be within the limits of the weekly of mortality, shall be sold and made up into delivered in bundles or trusses, each whereof shall be firmly trusses firmly hall be the full weight of thirty fix pounds of good and found 36ib. of found straw, exclusive of any other thing which shall be put therein; straw. and if any person or persons shall, after the said twenty ninth day of September, sell, or deliver, or bring into, or expose for Where straw told fale, in London, or within the limits of the faid weekly bills of in truffes, mortality, or in any place within the distance of thirty miles from whether withthe extent of any part of the limits of the faid weekly bills of in the faid mortality, where straw shall be fold in bundles or trusses, any weekly bills, bundle or truss of straw which shall be of less weight then thirty or 30 miles dibundle or truss of straw which shall be of less weight than thirty stance, and fix pounds of good and found straw, or which shall be in the shall be wantinside of any such bundle or truss of different goodness of qua- ing of that lity from what the same by the outside of any such bundle or weight, truss, shall appear to be, he, she, or they, who shall so offend in the inside of the premisses, on being convicted thereof, in manner herein after a worse quamentioned, shall forfeit and pay every time any such straw shall lity than the be brought for fale, or fold or delivered in London, or within the outfide imlimits of the weekly bills of mortality, not in bundles or truffes, the offender the sum of twenty shillings; and the sum of one shilling for forfeits, for all every bundle or truss of straw, which he, she, or they, shall sell, straw not sold or bring into, or expose for sale in London, or within the limits or delivered in of the said weekly bills of mortality, or in any place within the and for every faid distance of thirty miles from the extent of the limits of the trus under faid weekly bills of mortality, where straw shall be usually fold weight, or of by the bundle or truss, which shall not be of the said full weight a mixt quality, of thirty fix pounds of good and found straw, or which shall be 18. proved to be, in the infide of any fuch bundle or trufs, of different goodness or quality from what the same, by the outside of

any fuch bundle or truis, shall appear to be. II. And be it further enacted by the authority aforesaid, That Trusses of hay every truss of hay which, after the said twenty ninth day of Sep- to be made up tember, shall be fold in, or brought into, or exposed for fale, in in like man-London, or any place comprized within the limits of the faid ner, of good and weekly bills of mortality, or which shall be sold in any place sound hay within the faid distance of thirty miles from the extent of the only, and of limits of the faid weekly bills of mortality, where hay shall be equal goodness fold in bundles or truffes, shall be made up with good and found throughout; hay only, and fuch as the same shall appear to be by the outside hay to be alof every fuch bundle or trufs; and that fuch hay only as shall be lowed in good and found shall be deemed and taken to be the hay which weight only.

is to make up the weight every truss of hay by law ought to be.

III. And be it further enacted by the authority aforefaid, That Weight of the the pair of bands with which any truss of hay shall be bound, bands of a shall not exceed the weight of five pounds, upon pain that every trus of hay person who shall sell any truss of hay with bands of a greater not to exceed

weight of forfeiting



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weight than five pounds, shall, for every such offence, forfeit

and pay the fum of one shilling.

Persons emnot conforming to the rules of this 24 hours.

Saleiman buying, after 29 September, hay or itraw on his own again,

or felling, after 29 Septhe weekly bills, hay or itraw bought own account, forfeits 1s. per truis.

A register to within London, and the weekly bills;

weigher,

and in other clerk or toil gatherer.

or Itraw foid by him.

IV. And be it further enacted by the authority aforesaid, ployed to bind That if any person or persons employed to bind hay or straw, shall not bind up and make the same into bundles or trusses of fuch weight and quality as is directed by this act, every fuch perfon so offending shall forfeit and pay the sum of three pence for act, forfeit 3d. every bundle or truss of hay or straw, not being of such weight the owner ob. and quality; provided the same be objected to by the owner jecting within thereof within twenty four hours after the same shall be so bound

or made up, and before the same shall be removed.

V. And be it further enacted by the authority aforesaid, That from and after the faid twenty ninth day of September, no person who shall act as a common salesman in selling hay or straw for any other person, for gain or reward, or by commission, in Lonaccount to fell don, or within the faid limits of the faid weekly bills of mortality, shall directly or indirectly buy any hay or straw on his own account, other than what he shall purchase to spend for his own use: and that if any such person who shall so act as a salesman of hay or straw shall, after the said twenty ninth day of September, buy any hay or straw on his own account to sell again; or shall sell in London, or within the said limits of the said weekly bills of temberin Lon- mortality, any hay or straw which shall have been bought by don, or within him on his own account, he, she, or they, on being convicted thereof in manner herein after mentioned, shall, for every such offence, forfeit and pay the sum of one thilling for every truss by him on his of such hay or straw which shall be so sold by or for him.

VI. And, in order to prevent any undue practices between the owners or Salesmen of hay or straw, and the servants of the buyers thereof; and to the end it may be known at what price hay or straw fold within the limits aforefaid, shall be actually fold; be it further enacted by the authority aforesaid, That from and after the said be kept in the twenty ninth day of September, there shall be kept in the hay market in the city of London, and at every other hay market within the limits of the faid weekly bills of mortality, where hay or straw is or shall be allowed to be sold, a book or register for entering and registering therein an account of all hay and straw which shall be fold in any such hay market respectively; in London, by and that such book or register shall be kept in London by the hay the proper hay weigher, who shall be appointed by the mayor, commonalty, and citizens of the faid city of London, to weigh the hay brought for fale into the said city, or his deputy or deputies; and out of places by the the faid city of London, within the limits of the faid weekly bills of mortality, by the clerk or toll-gatherer of every hay market within the faid limits, or his or their deputy or deputies; and Vender, with that every perion who shall sell any hay or straw in London, or in a limited within the limits of the said weekly bills of mortality, his sertime, to make vant or agent, shall, within fix hours after any hay or straw an entry there- shall, at any time, be fold in any publick hay market in London, or within the faid limits of the weekly bills of mortality, and within seven days after every sale of hay or straw in London, or



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within the faid limits of the weekly bills of mortality, shall be made, out of any such hay market in London, or in any place within the limits of the faid weekly bills of mortality, make an entry in the book or register of the hay market, in which any fuch hay or straw shall be fold; or where the same shall not be fold in any fuch hay market, then in the book or register of the hay market which shall be most contiguous to the place in London, or within the limits of the faid weekly bills of mortality, in which any such hay or straw shall be fold; distinguishing therein the names and places of abode of the owners and sellers of any distinguishing fuch hay or straw, and the names and places of abode of the re- the names and spective buyer or buyers thereof, and also of the person or persons places of about for whom or for whose use any such hay or straw shall be so of the cunetary bought, and also the day in which such hay or straw shall be so i uyers, and bought, and the true price at which the same shall be really fold; or whose use and every person who shall sell any such hay or straw, his ferwant the same was or agent, shall fign his name, or fet his mark, to every fuch en- the date and try which he shall so make or cause to be made, and shall pay price; for the same to the hay weigher, clerk, or toll-gatherer, of the and to sign market, who shall keep such book or register as aforesaid, the the said entry, fum of one penny; and every fuch hay weigher, clerk, or toll- and pay id. gatherer, of the market, or his deputy or deputies, shall, at all clerk, &c. leasonable times in the day time, and during the market hours kegitter to be herein after mentioned, permit any person to have recourse to, inspected by and infpect any fuch book or register which shall be so kept for any person on any fuch hay market, the person so desiring to inspect the same, paying 2q. paying for every such inspection the sum of one half-penny; and if the seller of any such hay or straw in London, or within the li- Vender negmits of the faid weekly bills of mortality, his fervant or agent, lecting to shall not make such entry as aforesaid in such book or register, try, &c. within the faid space of six hours after any sale shall be made of any fuch hay or straw in any publick hay market in London, or within the faid limits of the weekly bills of mortality, and within the faid space of seven days after every sale of any hay or straw in London, or within the faid limits of the weekly bills of mortality, out of any such hay market, or shall not sign his name or put his mark thereto, or thall refuse to pay for making any such entry, or shall give in, or cause to be entered in any such book or regi- or giving in a iter, any false or untrue account of the quantity of hay or straw false or untrue fold, or of the price at which the same was really sold, or of the account, forowner or seller of any such hay or straw, his servant or agent, nor less than who shall so offend, shall, on being convicted thereof in manner 10s. herein after mentioned, for every fuch offence forfeit and pay any fum not exceeding twenty shillings, nor less than ten shillings; and if any hay weigher in London, or clerk or toll-gatherer and hay of any hay market within the limits aforefaid, or his or their deputy weigher or or deputies, shall omit or neglect to keep such book or register, or clerk, &c. shall delay or refuse to let any entry hereby directed to be made neglecting his therein, or shall demand any greater price than one penny for premutes, formaking any fuch entry, or one halfpenny for permitting fuch feits in fike

book manner.

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> book or register to be at any time perused or examined, or shall knowingly fuffer or permit any untrue entry to be made in any fuch book or register, or shall retute at any seasonable time in the day time, in market hours, to permit any person to inspect any entry which shall be made in any such book or register, every fuch person who shall so offend in the premisses, shall, for every luch offence, on being convicted thereof in manner herein after mentioned, forfeit and pay any fum not exceeding twenty shillings, nor less than ten shillings.

VII. Provided always, and be it enacted by the authority atorelaid, That nothing in this act contained shall oblige any person to register any hay or straw which shall be sold within the limits atoresaid, in any less quantity than four trusses in any

day, to any one perion.

VIII. Provided also, and be it further enacted by the authority aforesaid, That nothing in this act contained shall oblige nor of any de- any person to register any hay or straw which he shall deliver in London, or within the limits of the faid weekly bills of mortality. on special contract or agreement; but such hay and straw only to be registered which shall be sent or brought into London, or some place within the limits of the faid weekly bills of mortality, to be fold, and which shall be accordingly there sold, shall be registered as before is directed; any thing in this act before contained to the contrary thereof notwithstanding.

IX. And be it further enacted by the authority aforefaid, That there shall be provided by the hay weigher of the said city or engines for of London, and by every clerk or toll-gatherer of every hay market, within the limits of the faid weekly bills of mortality, and kept at every fuch hay market in London, and within the limits of the faid weekly bills of mortality, proper scales and weights, or engines, for the weighing all hay and straw which shall be there brought for fale, or shall be required to be there weighed; and fuch hay weigher, clerk, or toll-gatherer, of the hay market, or his or their deputy, shall, on application to him or them for that purpose made, cause all hay or straw, which shall be there brought and required to be weighed, to be duly weighed, and with all convenient speed, after any request shall be made for weighing thereof; and fuch hay weigher, clerk, or toll-gatherer of the market, or his deputy, shall be paid by the party requiring any fuch hay or straw to be so weighed, the sum of one shilling and no more, for weighing every load of fuch hay or straw; and it less than a load of hay or straw shall be there weighed, then the fum of one halfpenny for every truts of such hay or straw which shall be there weighed; and it any doubt shall at any time arise, whether any hay or straw brought into Lendon, or in any market or place within the limits of the faid weekly bills of mortadue weight of lity, and which shall not have been weighed at any such hay market, is of the due weight the same ought to be, then and in such case it shall be lawful for the buyer thereof, on the delivery of not have been such hay or straw at his or her abode, yard, loft, or other place, where the same shall be agreed by the seller to be delivered, to

No Register to be made of hay or itraw fold in a less quantity than 4 truffes, in a day, to one perion; livered on thecial contract; but fuch enly as is brought to market for fale, and

Proper scales and weights, weighing hay and straw, to be provided by the hay weighers and clerks of the markets.

which shall be

there fold.

Fees payable for the ule thereof.

Where any doubt shall arife about the tuch hay or itraw as shall weighed in the markets, the buyer may



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cause the same to be weighed in the presence of the seller, or his weigh the fervant or agent, who shall deliver the same; and if on the same in the being so weighed, the buyer or seller of any such hay or straw, the seller; his fervant or agent, shall be diffatisfied with any such weighing and if either thereof, it shall be lawful for any such buyer or seller, his servant be diffatisfied or agent, with all convenient speed then afterwards to apply to therewith, the hay weigher, clerk, or toll-gatherer, of the hay market, his he may apply to their deputy or deputies which shall be proved to the place to the hay or their deputy or deputies, which shall be nearest to the place weigher or where any fuch hay or straw shall be delivered, to see the same clerk of the weighed over again, and on any fuch application being made, the market, who hay weigher, clerk, or toll-gatherer, of the market, who shall be is to see the so applied to, his deputy or deputies, shall, with all convenient over again, speed after any such application shall be so made, come to the place where such hay or straw shall be, within the limits aforefaid, and shall there see such hay or straw as shall be complained of as wanting in weight, again weighed, and the weight thereof which shall be ascertained by any such hay weigher, clerk, or and ascertain toll-gatherer of the market, or his deputy or deputies, shall be the weight; conclusive to all parties; but the person who shall require any fuch hay weigher, clerk, or toll-gatherer of the market, or his or 28. to be paid their deputy or deputies, to attend and weigh any such hay or him for his straw out of any such hay market, shall pay to such hay weigher, trouble, by clerk, or toll-gatherer of the market as aforesaid, or his or their ant; deputy, to attend to fee the fame weighed, the fum of two shillings, before any fuch hay weigher, clerk, or toll-gatherer of the market, his deputy or deputies, shall be obliged to go to see any luch hay or straw weighed out of any such hay market; and if any hay or straw weighed out of any fuch hay for the hay or any hay or straw which shall be weighed out of any such hay to be repaid, market, shall be found by the hay weigher, clerk, or toll-gatherer straw shall be of the market, or his or their deputy, to be of the due weight the of due weight fame ought to be, then the two shillings which shall have been by the buyer; paid to or for fuch hay weigher, clerk, or toll-gatherer of the market, to attend to see such hay or straw weighed, shall be forthwith repaid by the buyer of such hay or straw to the seller thereof, in case the seller paid such two shillings; and if the hay if wanting of or straw which shall be so weighed, shall be found not to be of its weight, by the due weight the same ought to be, then if the buyer thereof the feller; paid the faid two shillings, the same shall be forthwith repaid to him by the feller of fuch hay or straw; and if any hay weigher, clerk, or toll-gatherer of any fuch hay market, or his or their Hay weigher, deputy, shall omit to provide and keep proper scales and due proper scales weights or engines for the weighing hay or straw at such hay and weights, market, or shall neglect or refuse to weigh any hay or straw, or otherwise which shall be required to be there weighed by him, or them, neglecting his or to attend to see the same weighed out of such hay market at duty in the any place within the limits aforesaid, when thereunto required at teits, not exany feasonable time in the day time, and to as the faid fum of ceeding 20s. two shillings shall have been paid or tendered to him so to attend, nor less than every fuch hay weigher, clerk, or toll-gatherer of the market, 1 35his deputy or deputies, so offending in the premisses, shall, for Vol. XXII



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every such offence, forfeit and pay any sum not exceeding twenty

shill ngs, nor less than ten' shillings.

Where there of want of weight, the hay or ftraw of delivery; a penalty el ther in respect of weight or the hay or Straw be weighedeither the buyer, or ty, at the time ing.

X. Provided always, and be it enacted by the authority aforeshall be adoubt said, That all hay or straw sold within the said distance of thirty miles from the extent of the limits of the weekly bills of mortality, and touching which there thall be any doubt of want of may be weigh- weight, shall and may, on the delivery thereof at the house, yard, ed at the place loft, or any other place whereat the same shall be agreed to be delivered, or shall be delivered by the seller thereof, be there and the feller weighed: and that no person shall incur any penalty for selling, is not liable to or exposing to sale, any hay or straw of less weight, or worse quality than the same ought to be, unless such hay or straw shall be weighed either at or before the delivery, with the privity of quality, uniess the buyer, his servant or agent, or complained of in respect of the quality thereof, at the time and place at which the same shall be agreed to be delivered by the feller, in the presence of such at or beforethe feller, his fervant, or agent; unless such feller, his fervant, or delivery, with agent, on request made, or on notice given to him or them to atthe privity of tend to fee such hay or straw so weighed, shall refuse or neglect to attend to see the same so weighed; any thing in this act, or as to its quali- any other act to the contrary thereof in any wife notwithstand-

and place of delivery; and the feller refuse to attend, &c.

XI. And whereas fale men, brokers, or factors employed by feeders of cattle, or farmers, to fell their live cattle within the city of London, or within the faid limits of the weekly bills of mortality, may be guilty of many abuses great'y to the prejudice of their employers, by indirectly felling such cattle, and by that means, stocking lands, which they may hire for that purpose, near the markets within the said city of London, or weekly bills of mortality, where fuch cattle may be brought to be fold again, whenever they shall find a proper time or opportunity of felling the same to advantage; be it therefore further enacted by the authority aforesaid, That from and after the said twenty ninth day of September, no falefman, or other broker, or buy or tell cat- factor, who shall be employed to buy or fell any fort of cattle for the for others, others, by commission, or for reward, to be paid or taken, shall or tell on their by himself, or any servant or agent, directly or indirectly, on or own account, for his own account, buy any live ox, bull, cow, steer, bullock, heiter, calf, sheep, lamb, or swine, in London, or within the faid limits of the faid weekly bills of mortality, or at any place whilst any such cattle shall be on the road, or be driving, bringing, or coming up, to be fold or offered to or for fale, in London, or at any other place within the faid limits of the faid weekly bills of mortality (other than fuch cattle which any fuch salesman, broker, or factor, shall actually purchase for the necesfary use or provision of his family, and shall actually use accordingly) and that no fuch falefman, broker, or factor, after the faid twenty ninth day of September, shall sell or expose to sale, or offer to or for fale, on his own account, in London, or at any place within the faid limits of the faid weekly bills of mortality, either by himself, or his servant, or agent, any live ox, bull, cow,

Salcfmen, &c. employed to are not to buy

(Exception)



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steer, bullock, heifer, calf, sheep, lamb, or swine, upon pain that every person who shall so offend in the premisses, shall every time he shall be convicted of any such offence in manner herein after mentioned, forfeit and pay for every fuch offence, double on penalty of the value of any live cattle, which he shall so buy or sell, on forfeitingdouhis own account, contrary to the tenor of this act.

XII. And be it further enacted by the authority aforefaid, Carts, &c. That from and after the faid twenty ninth day of September, no with hay or person, or persons shall permit or suffer his there or their was straw for sale. person or persons shall permit or suffer his, her, or their wag- to quit the gon, cart, or carr, loaden with hay or straw for sale, to stand or market by a be in the hay market in Smithfield in Lenden, or in any hay mar-certain hour ket within the weekly bills of mortality, from Lady Day to Ali- on penalty of chaelmas, after four of the clock in the afternoon, and from Mi-51. chaelmas to Lady Day, after three of the clock in the afternoon, upon pain to forfeit and pay, for every such offence respectively, five shillings; but before any forfeiture for the said last men- Hay weigher tioned offence shall be incurred, the hay weigher, clerk, or toll- or clerk, &c. gatherer, of the hay market, or his or their deputy, shall, on to give an every market day (to wit) Tuesday, Thursday, and Saturday, in hour's notice, by ringing of every week, ring a large hand bell round the hay market of which a bell; he shall be hay weigher, clerk, or toll-gatherer, of the market, either in London, or within the limits of the weekly bills of mortality, one hour before the expiration of the time above appointed for persons bringing hay or straw for sale into any such hay market, to leave the same; and on any default of ringing such and on default bell, as aforesaid, being made, no person using any such hay of such notice, market, for the purpose of selling hay or straw, shall, the next no toll is to be immediate usual market day or days after any such default in ing the next ringing such bell, as aforesaid, shall be made, be liable to pay market day. any toll for any waggon, cart, or carr, standing, or that shall stand, in any such hay market, to sell hay or straw; and every fuch hay market is hereby, in that case, and on the next market day in which any fuch default, as aforefaid, of ringing fuch bell shall be made, declared to be toll-free.

XIII. Provided always, and be it further enacted by the au- Carts standing thority aforesaid, That no person shall incur any penalty for suf- in the market fering his waggon, cart, or carr, loaden with hay or straw for during certain fale, to be in any fuch hay market from Lady Day to Michaelmas, hours only, after three of the clock in the afternoon, and from Afichaelmas torfeit. to Lady Day, after two of the clock in the afternoon; any other

law or usage to the contrary thereof notwithstanding.

XIV. Provided likewise, and it is hereby further enacted by Prosecution to the authority aforesaid, That no person shall be convicted for becommenced any of the before-mentioned offences, unless profecution for wenin 3 days any fuch offence shall be committed within three days after the fence. offence complained of thall have been committed.

XV. And, for the more speedy recovery of all and every the mo- Recovery and ney which shall be forfeited by breach or non-observance of any part application of of this all, and for the disposing thereof, be it further enabled by viz. the authority aforesaid, That on complaint being made, on On complaint oath, to any justice or justices of the peace of any offence com- made, on oath,

mitted of the offence, the justi, & is to

Cc2

fummon, &c. the offender,

and on the upon,is to pro cetd to hear

and on nonpayment of the forfeiture, on conviction, is to iffue his warrant for the levying

and for want of diltreis to commit the offender for any time not exceeding 1 month, nor lets than 10 days, unless payment be fooner made.

mitted against this act, within his or their respective jurisdictions, such justice or justices is and are hereby required and auand witnesses, thorized to issue his or their summons to convene the person or persons charged with being an offender or offenders against this act, and also any witness or witnesses for any of the parties, at a certain time and place in such summons to be specified; and if any one so summoned shall not appear on such summons, or offer some reasonable excuse for the default, then any such justice or justices shall issue his or their warrant or warrants for apprehending the party or parties so making default within the jurisdiction of any fuch justice or justices; and upon the party or parties complained against appearing, or being brought before any fuch justice or justices on his or their warrant or warrants; or, in case the party or parties complained against shall not appear partiesappear on such summons being served on him, or left for him or them ing or not ap- at his or their usual place of abode, and proof shall be made pearing there, thereof, by oath, before any fuch justice or justices; then every fuch justice and justices is and are hereby authorized and determine and required to proceed to make enquiry touching the matters the matter of complained of, and to examine into the same by the oath or complaint in a oaths of any credible person or persons as shall be requisite, and fummary way; to hear and determine the matter of every such complaint; and, upon confession of the party, or proof of one credible witness, upon oath, to convict or acquit the party or parties against whom complaint shall be made; and if the money forfeited shall not be paid down on every fuch conviction, every fuch justice or justices shall issue his or their warrant or warrants under his hand and feal, or their hands and feals, for levying thereof within his or their jurisdiction, by diffress on the goods and chattels of every such offender, or offenders, and to cause sale ftress and sale; to be made of such goods and chattels, in case the money forfeited, together with the charges of such distress and sale, shall not be paid within five days after the making any fuch diftress and fale, rendering the overplus, if any, to the owner thereof, upon demand, after deducting the reasonable charges of every fuch diffress and fale; and if any such offender shall not have any goods or chattels within the jurifdiction of fuch justice or justices, whereon the money forfeited can be prefently levied, any justice or justices within whose jurisdiction any such offender or offenders shall be, shall and may issue a warrant or warrants under his hand and feal, or their hands and feals, on the applica tion, or on the behalf, of any informer or informers, to apprehend every fuch offender and offenders, and to commit him or them to some publick prison or house of correction of the county, division, city, town, or place, in which any such offence shall have been committed, there to remain for any time not exceeding one calendar month, nor less than ten days, from the time of every fuch commitment, unless such offender or offenders Witness refus- shall sooner pay the money forfeited; and if any witness who ing to be exa- shall appear or be brought by any warrant before any such jumined, may flice or justices, shall refute to be examined, any such person so refuting

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refusing to be examined, may be committed by any such justice for any time or justices to some prison of the county, city, or place, where not exceeding fuch witness shall so make default, for any time not exceeding to days. ten days from the time of every such commitment, as any such

justice or justices shall think fit.

XVI. Provided always, and be it further enacted, That if Selleraggrievany person or persons convicted of any offence punishable by this ed by the act, or for felling any truss or trusses of hay, of less weight than a judgment of the same ought to be, shall think him, her, or themselves ag-appeal to the grieved by the judgment or determination of any justice or ju-quarter felstices as aforefaid, such person or persons may appeal against the sons; fame to the justices at the general or general quarter sessions of the peace of the county, city, or place, in which any fuch conviction shall have been made, which shall be held next after any fuch conviction, unless such next general or general quarter sefsions of the peace for any such county, city, or place, shall be held within fix days next after any fuch conviction; and if any fuch general or general quarter sessions of the peace, shall happen to be so held within the said space of six days next after any fuch conviction, then it shall be lawful for any such person or persons to appeal against any such judgment or determination, to the justices at the second general or general quarter sessions of the peace which shall be held for any such county, city, or place, next after any fuch conviction; but the party or parties who entering into a shall think fit so to appeal, shall, before any such appeal shall be recognizance, received, enter into a recognizance, with two sufficient sureties, and giving sebefore such justice or justices as aforesaid, in double the sum secute the apwhich fuch person or persons shall have been adjudged to pay peal with efor forfeit, to profecute every such appeal with effect, and to be feet; forth coming to abide by and obey the judgment and determination of the justices at any such general or general quarter seffions of the peace on every fuch appeal, and shall also give three and giving due days notice, in writing, of every fuch appeal, to, or leave the notice thereof fame at the usual place of abode of the person or persons who to the proseshall have prosecuted to conviction the party or parties so appealing; and the justices of the peace at such general or general Justices to quarter sessions, are hereby authorized and required, on every hear and defuch appeal being made, finally to hear and determine the matmatter of the
ter of every fuch appeal, and to make fuch order, and to award appealaccordfuch costs therein, as they in their discretion shall deem meet; ingly, and aand the determination of fuch court of general or general quar- ward cotts; ter sessions, on every such appeal, shall be final and conclusive their determito all parties thereto, and no Cartiorari shall be allowed to re-nation to be move any fuch proceedings or determination.

XVII. And be it further enacted by the authority aforefaid, Forfeitures to That one moiety of all money forfeited by this act, thall, when be applied, recovered, go and he paid to the person or persons who shall one moiety to profecute to conviction any offender or offenders against this the profecutact, and that the other moiety thereof shall go and be paid to or or, the other for the use of the poor of the parish or place where the offence of the parish.

shall have been committed.

XVIII. Pro-

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XVIII. Provided always, and it is hereby further enacted, Inhabitants That any inhabitant of the parish or place in which any offence deemed comshall be committed against this act, shall, notwithstanding such petent witinhabitancy, be a good and competent witness. neffes.

actions.

XIX. And be it further enacted by the authority aforesaid, Limitation of That if any plaint, action, or fuit, shall be commenced or profecuted against any person or persons, for what he or they shall do or have done in pursuance or in execution of this act, the same shall be commenced within six months after the offence committed, and shall be laid in the county or city where the offence shall have been committed; and such person or persons so General iffue. fued, in any court whatfoever, shall and may plead the general iffue, not guilty, and may give this act, and the special matter in evidence, at any trial to be had thereupon; and if a verdict shall be found for the defendant or defendants, or if the plaintiff shall become nonsuit, or discontinue his action, after the defendant shall have appeared; or if judgment shall be given, upon a demurrer, against the plaintiff or plaintiffs, the defendant or defendants, in every such action, shall recover treble costs, and have the like remedy for the same as any defendant or defendants hath or have in other cases for recovery of his or their costs.

Treble cofts.

CAP. XLI.

An all to amend and render more effectual an all paffed in the twenty ninth year of his present Majesty's reign, intituled, An act for inclosing, by the mutual consent of the lords and tenants, part of any common, for the purpose of planting and preserving trees fit for timber or underwood; and for more effectually preventing the unlawful destruction of trees.

Preamble, reciting feveral clauses in act 29 Geo. 2.

X7 HEREAS by an act made in the twenty ninth year of the reign of bis present Majesty, intituled, An act for inclosing, by the mutual consent of the lord and tenants, part of any common, for the purpole of planting and preserving trees fit for timber or underwood; and for more effectually preventing the unlawful destruction of trees; it is, among other things, enacted, That it shall and may be lawful to and for his Majesty, his beirs and successors, and all other owners of wastes, woods, and pastures, in that part of Great Britain called England, wherein any person or persons, or body or bodies politic or corporate, bath or have a right of common of posture, by and with the assent of the major part in number and value of the owners and occupiers of tenements, to which the said right of common of pasture doth belong, and to and for the major part in number and value of the owners and occupiers of such tenements, by and with the affent of the owner or owners of the faid wastes, woods, and pastures, and to and for any other person or persons, or body politic or corporate, by and with the affent and grant of the owner or owners of such wastes, woods, and passures, and the major

patture in



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major part in number and value of the owners and occupiers of such tenements, to inclose and keep in severalty, for the growth and prefervation of timber or underwood, any part of such wastes, woods, and pastures, for such time, and in such manner, and upon such conditions, as shall be agreed by them respectively: and whereas it is by the faid all provided, That in case any recompence shall be agreed to be given for such inclosure, to or for the benefit of the owners and occupiers of the tenements to which the right of common in such wastes, woods, and pastures, doth belong, such recompence shall be made either by a grant of a share of the profit which shall arise from the sale of the timber or underwood growing on the ground or foil so inclosed, or by a grant of other lands, tenements, or hereditaments, or by some annuity or rent charge issuing out of the said ground or soil so inclosed, or out of other lands, tenements, or hereditaments, or shall be paid in money, to be placed out at interest on public securities, or laid out in the purchase of lands, tenements, or hereditaments, or of some annuity or rent charge issuing out of lands, tenements, or hereditaments; and the produce of such lands, tenements, or hereditaments or such annuity or rent charge, or the interest of such money, until the same shall be laid out in such purchase, as aforesaid, shall be paid, from time to time, to the overfeers or overfeer of the poor of the faid parish or township, and shall be by them or him applied towards the relief of the poor of the parish or township where such wastes, woods, or pastures, shall lie, and accounted for in such manner as the rates for relief of the poor are by law directed to be accounted for : and whereas, in many cases, the right of common of pasture in the ground or foil inclosed, or intended to be inclosed, may not belong to all the owners and occupiers of tenements within the parishes or townships wherein such wastes, woods, or pastures, shall lie: and whereas the owners and occupiers of such tenements, to which such peculiar right of common doth belong, may refuse their affent to an inclosure, the recompence for which is applicable to the general relief of the poor of the parish, and not to them in proportion to their particular interests; and yet they may be willing to accept a different recompence from that which is provided by the said act; be it enacted by the King's most excellent majesty, by and with the advice and confent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of August, The recomone thousand seven hundred and fifty eight, every recompence pence to be to be made by virtue of the faid act, shall be made to the per- made under fon or persons interested in the said right of common, in pro- the recited act portion to their respective interest or interests therein; and not the rights of to be paid to the overseer or overseers of the poor, as is directed common of by the faid act.

inclosed for planting trees, is to be paid to the persons respectively interested therein, and not to the overfeers of the poor.

II. And whereas doubts may arise whether tenants for life, or for Tenants for terms of years, determinable upon one or more life or lives, le cren- life, or for terms of ers, within the meaning of this act, and that of the twenty winth of years deter-CCA his minable there-

Anno tricesimo primo GEORGII II. c. 42: [1758]

upon, may execute the powers given by
the recited
and this act,
during their
respective interests,
But no act of
theirs is to
have effect,
after the determination of
such their
estate.

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upon, may ex- his present Majesty's reign; be it enacted by the authority aforeecute the powfaid, That the powers given to such owners by this act, and the
faid act of the twenty ninth of his present Majesty's reign, may
and this act,
during their
fpective interests.

III. Provided always, That nothing done by fuch tenants for life, or terms of years, by virtue of this act, or by the act of the twenty ninth of his present Majesty's reign, shall have effect or continuance after the determination of the estate of such

tenants for life, or terms of years.

CAP. XLII.

An all for making perpetual several alts therein mentioned, for preventing theft and rapine on the northern borders of England; for the more effectual punishing wicked and evil disposed persons going armed in disguise, and doing injuries and violences to the persons and properties of his Majesty's subjects, and for the more speedy bringing the offenders to justice; and also two clauses to prevent the cutting or breaking down the bank of any river, or sea bank; and to prevent the malicious cutting of bop binds; for the more effectual punishment of persons maliciously setting on fire any mine, pit, or delph of coal, or canal coal; and of persons unlawfully bunting or taking any red or fallow deer in forests or chases; or beating or wounding the keepers or other officers in forests, chaces, or parks; and also so much of an act as relates to the power of appealing to the circuit courts in civil cases in Scotland.

Preamble.

HEREAS the laws herein after mentioned, which have by experience been found useful and beneficial, are near expiring : may it therefore please your most excellent Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That an act made in the thirteenth and fourteenth years of the reign of King Charles the Second, intituled, An act for preventing theft and rapine upon the northern borders of England; which by several acts hatin from time to time been continued; and by an act made in the fixth year of the reign of his present Majesty (for making perpetual feveral acts, and for other purposes therein mentioned) was further continued until the first day of September one thousand seven hundred and forty four, and from thence to the end of the then next session of parliament; and also several clauses, powers, and authorities, in the afore-mentioned act made in the fixth year of the reign of his present Majesty, for the more effectual preventing of theft and rapine upon the northern borders of England; and which by the faid act were to continue in force until the first

Act 13 & 14 Car. 2.

and several clauses and powers in the act of 6 Geo 2. relating thereto; and



Anno tricelimo primo Georgii II. C. 42.

day of September one thousand seven hundred and forty four, and which were from thence to the end of the then next fession of parliament; continued by and which faid act, together with the faid several clauses, pow- quent acts, are ers, and authorities, were, by several subsequent acts made in the made perpeseventeenth and twenty fourth years of the reign of his present tual. Majesty, further continued until the first day of September one thousand seven hundred and fifty seven, and from thence to the end of the then next session of parliament; are temporary, and

near expiring, shall be, and are hereby made perpetual.

II. And be it further enacted by the authority aforesaid, That Act 9 Geo. 1. an act made in the ninth year of the reign of his late majesty and which was King George the First, intituled, An act for the more effectual continued by punishing wicked and evil disposed persons going armed in disguise, quent acts, is and doing injuries and violences to the persons and properties of his made perpe-Majesty's subjects, and for the more speedy bringing the offenders to tual. justice; which by several subsequent acts, one made in the twelfth year of the reign of his late Majesty, and the others made in the fixth, tenth, seventeenth, and twenty fourth years of the reign of his present Majesty, was further continued until the first day of September one thousand seven hundred and fifty seven, and from thence to the end of the then next session of parliament; is temporary, and near expiring, shall be, and

is hereby made perpetual.

III. And be it further enacted by the authority aforesaid, Clause in act That a clause in an act made in the fixth year of the reign of 6 Geo. 2. to his present Majesty (for making perpetual several acts, and for prevent the other purposes therein mentioned) to prevent the cutting down other purposes therein mentioned) to prevent the cutting or the banks of breaking down the bank of any river, or sea bank, which was rivers, and to continue in force during the continuance of an act made in which was the ninth year of the reign of his faid late Majesty; and which continued by by another act made in the tenth year of the reign of his new several subseby another act made in the tenth year of the reign of his pre-quent acts, is fent Majesty, was further continued during the continuance made perpeof the afore-mentioned act made in the ninth year of the reign tual. of his faid late Majesty; and which by several subsequent acts made in the seventeenth and twenty fourth years of his present Majesty's reign, was further continued until the first day of September one thousand seven hundred and fifty seven, and from thence to the end of the then next session of parliament; is temporary, and near expiring, shall be, and is hereby made perpetual.

IV. And be it further enacted by the authority aforesaid, Clause in act That a clause in an act made in the fixth year of the reign of his 6 Geo. 2. to present Majesty (for making perpetual several acts, and for prevent the other purposes therein mentioned) to prevent the malicious cutting of hop binds growing on poles in any plantation of hops; binds, and which was to continue in force during the continuance of an act which was made in the ninth year of the reign of his faid late Majesty, and continued by which by feveral subsequent acts made in the tenth, seventeenth, several subsequent acts made in the tenth, seventeenth, several subsequent acts, is and twenty fourth years of his pretent Majesty's reign, was fur-made perpether continued until the first day of September, one thousand se- tual. ven hundred and fifty feven, and from thence to the end of the

then



Anno tricesimo primo GEORGII II. C. 42. 1758.

then next fession of parliament; is temporary, and near expi-

ring, shall be, and is hereby made perpetual.

Claufe in act extending the powers in act in let forth, and which was continued by feveral fublequent acts, is made perpetual.

V. And be it further enacted by the authority aforesaid, That 10 Geo. 2. for a clause in an act made in the tenth year of the reign of his prefent Majesty (for continuing an act for the more effectual pun-Geo. 1. to the ishing wicked and evil-disposed persons going armed in disguise. several cases of and doing injuries and violences to the persons and properties offences there- of his Majesty's subjects, and for the more speedy bringing the offenders to justice; and for other purposes therein mentioned) to extend, during the continuance of the faid act, all the provisions therein contained (for the more speedy and easy bringing the offenders against the said act to justice, and the persons who shall conceal, and abet or succour such offenders, and for making fatisfaction and amends to all and every the person and persons, their executors and administrators, for the damages they shall have fustained or suffered by any offender or offenders against the faid act; and for the encouragement of persons to apprehend fuch offender and offenders; and for the better and more impartial trial of any indictment or information which shall be found, commenced, or profecuted, for any of the offences committed against the said act; together with all restrictions, limitations, and mitigations, by the faid act directed) to all cases of offences committed by unlawfully and maliciously cutting down the bank or banks of any river, or any sea bank, whereby any lands shall be overflowed or damaged; or by unlawfully and maliciously cutting any hop binds growing on poles in any plantation of hops; or by wilfully and malicioutly fetting on fire, or causing to be set on fire, any mine, pit, or delph of coal, or cannel coal, and which, by feveral subsequent acts made in the seventeenth and twenty fourth years of his present Majesty's reign, was further continued until the first day of September, one thousand seven hundred and fifty seven, and from thence to the end of the then next session of parliament; is temporary, and near expiring, shall be, and is hereby made perpetual.

VI. And be it further enacted by the authority aforesaid, That the several clauses in an act made in the tenth year of the reign of his present Majesty (for the more effectual punishment of persons maliciously setting on fire any mine, pit, or delph of coal or cannel coal; or unlawfully hunting or taking any red or fallow deer in forcits or chaces; or beating and wounding the keepers or other officers in forests, chaces, or parks) which were taking of deer; to continue in force during the continuance of an act made and wounding in the ninth year of the reign of his faid late Majesty, and the keepers of which by several subsequent acts, made in the seventeenth and twenty fourth years of his present Majesty's reign, were further continued until the first day of September, one thousand seven hundred and fifty feven, and from thence to the end of the then next session of parliament; are temporary, and near expiring, acts, are made shall be, and are hereby made perpetual.

VII. And be it further enacted by the authority aforefaid, somuch of the That so much of an act made in the twentieth year of his pre-

Clauses in act 10 Geo. 2. tor punishing of perions maliciously fetting on fire any mine of coal; or unlawfully hunting and and beating parks, &c. and which were continued by feveral *iubsequent* perpetual.



1758.] Anno tricesimo primo Georgii II. c. 43,--50.

fent Majesty's reign, intituled, An act for taking away and abo- 2. as relates to lishing the heritable jurisdictions in that part of Great Britain called the power of Scotland, and for making satisfaction to the proprietors thereof, and the circuit for restoring such jurisdictions to the crown; and for making more ef- courts in cifectual provision for the administration of justice, throughout that vil cases, is part of the united kingdom, by the King's courts and judges there; made perpeand for obliging all persons acting as procurators, writers, or agents, in the law of Scotland, to take the oaths; and for rendering the union of the two kingdoms more complete; as relates to the power of appealing to the circuit courts in civil cases, which was to continue in force for the space of ten years from the twenty fifth day of March, one thousand seven hundred and forty eight, and and from thence to the end of the then next session of parliament; is temporary, and near expiring, shall be, and is hereby made perpetual.

CAP. XLIII.

An act for repairing and widening several roads in the counties of Dorfet and Devon, leading to and through the borough of Lyme Regis.

CAP. XLIV.

An act for repairing the road from the village of Magor, to the bridgefoot in the town of Chepstow, in the county of Monmouth; and other roads in the counties of Monmouth and Gloucester.

CAP. XLV.

An act for ascertaining and collecting the poors rates, and for better regulating the poor in the parish of Saint Mary Magdalen Bermondsey in the county of Surry.

CAP. XLVI.

An act to amend an act passed in the last session of parliament, intituled. An all for building a bridge or bridges cross the river of Thames, from a certain place in Old Brentford, in the parish of Ealing, in the county of Middlejex, known by the name of Smith, or Smith's Hill, to the opposite shore in the county of Surrey.

CAP. XLVII.

An act for the more easy and speedy repairing of publick bridges within the county of Devon.

CAP. XLVIII.

An act for enlarging the term and powers granted by an act of parliament passed in the twenty fourth year of his present Majesty's reign, for enlarging the term and powers granted by an act palled in the third year of the reign of his present Majesty, for repairing and amending the several roads leading from Woodstock, through Kiddington and Enstone, to Rollright Lane, and Enslow Bridge to Kiddington aforefaid; and for making the faid act more effectual.

CAP. XLIX.

An act for amending several roads leading from the town of Tiverton, in the county of Devon.

CAP. L.

An act for repairing and widening the roads from Donington High Bridge to Hale Drove, and to the Eighth Mile Stone, in the parish of Wigtoit, and to Langret Ferry, in the county of Lincoln.



Anno tricesimo primo GE RGII II. C. 51,--58. [1758. CAP. LI.

An act for repairing the high road leading from Brent Bridge in the county of Devon, to Gatking Gate, in or near the borough of Plymouth, in the faid county.

CAP. LII.

An act for enlarging the term granted by an act made in the twenty fixth year of his prefent Majetty's reign, intituled, An act for laying a duty of two penny Scots, or a fixth part of a penny sterling, upon ever, Scots pint of ale and beer which shall be browed for fale, brought into, tasped, or jold, within the town and parth of Prejion Pans, in the shire of East Lothian, otherwise Haddingtown, for repairing the harbour of the just town, and for other purposes therein mentioned.

CAP. LIII.

An act to explain, amend, and render more effectual an act passed in the ninth and tenth years of the reign of his late majety King William the Third, intituled, An act for erecting helpitals and according which the city and county of the city of Exon, for the better employing and maintaining the poor there.

CAP. LIV.

An act for repealing so much of the act of the fifteenth year of his prefent Majesty, for enlarging the term and powers granted by an act of
the thirteenth year of his late Majesty King George the First, for repairing the roads from Circncester Town's End to Saint John's Bridge
in the county of Gloucester, as directs that the inhabitants of the several parishes and hamlets therein named, shall pass tool free; and for
repairing the street from the High Cross in Circncester to the Town's
End there; and for other purposes therein mentioned; and for enlarging the terms and powers granted by the said two sormer acts.

CAP. LV.

An act for enlarging the term and powers granted by an act of the twenty fifth year of his present Majesty's reign, intituled, An act for repairing the fost road from the city of Edinburgh, through the counties of Limithgorn and Stirling, from the Boat-house Ford, on Almind Water, and from thence to the town of Linlithgorn, and from the said town of Falkirk, and from thence to Stirling; and also from Falkirk to Killyth, and to Inch Bellie Bridge, on the post road to the city of Glasgorn; and tor building a bridge cross Almond Water.

CAP. LVI.

An act for enlarging the powers granted by an act passed in the eighteenth year of the reign of his present Majesty, intituled, in act for rendering more effectual the several acts passed for the erecting of hopitals and workhouses within the city of Bristol, for the better employing and maintaining of the poor thereof; and for making the said act more effectual.

CAP. LVII.

An act for making more effectual four several acts of parliament, made in the fixth year of the reign of her late majesty Queen Ann; the eleventh year of the reign of his late Majesty King George the First; and in the tenth and thirteenth years of the reign of his present Majesty respectively, for repairing the highways from Old Stratford in the county of Northampton to Dunchurch, in the county of Warwick.

CAP. LVIII.

An act to continue and render more effectual two acts of parliament made in the tweifth year of the reign of his late Majorty, and in the eighteenth year of the reign of his protent Majorty, for repairing the roads leading from Birminguam to Laghill, in the county of Warwick.



1758.] Anno tricelimo primo Gronom II. c. 59,-66.

CAP. LIX.

An act for building a bridge cross the river Trent, at or near a place called Wilden Ferry.

CAP. LX.

An act to enlarge, alter, and render more effectual, the term and powers of an act of the twelfth year of his present Majesty, for repairing the roads from Bakewell to Chestersield in the county of Derby; and from Chestersield to Worksop in the county of Nottingham, and other roads therein mentioned.

CAP. LXI.

An act for repairing and widening the road from Cirencester in the county of Gloucester, to Cricklade in the county of Wilts.

CAP. LXII.

An act for repairing and widening the roads from Little Sheffield, in the county of York, through the towns of Hathersage, Hope, and Caftleton, to Sparrowpit Gate, in the county of Derby: and from the Guide Post near Barber's Field Cupola, through Grindleford Bridge, Great Hucklow, Tidswell, Hardgate Wall, and Fairfield, to Buxton, in the county of Derby.

CAP. LXIII.

An act for repairing the road from Leeds to Sheffield, in the county of York.

CAP. LXIV.

An act for enlarging the terms and powers of two acts of parliament, one passed in the nineteenth year of the reign of his present Majesty, intituled, An act for enlarging the term and powers granted by an act passed in the twelfth year of the reign of his late majesty King George the First, for repairing the road from the city of Gloucester to Stone, and other roads therein mentioned: and for making the said act more essenual: and the other passed in the twenty second year of the reign of his present Majesty, intituled, An act for continuing two acts of parliament, the one passed in the thirteenth year of the reign of his late majesty King George the First, for amending the several roads leading from the city of Bristol; and the other passed in the fourth year of the reign of his present Majesty, to explain and amend the same act, and for making the said acts more effectual: and also for repairing other roads therein mentioned: and for making all the said acts more effectual: and for repairing, widening, and keeping in repair, several other roads.

CAP. LXV.

An act for repairing and widening the roads from Tetbury, to the gates on the west of Simond's Hall Down; and from the turnpike gate at the top of Frocester Hill, to the turnpike road from Cirencester towards Bath; and from the field called Bouldown Sleight, to the end of a lane adjoining to the road from Horsley to Tetbury, near Tiltup's Inn; and from the Market-House in Tetbury, to the turnpike road on Minchin Hampton Chin Hampton Common; and from the said road in Minchin Hampton Field, unto the turnpike road from Cirencester to Stroud, near Burnt Ash; and from the said turnpike road, to Tayloe's Millpond in Chalford Bottom, and through Hide, to the bottom of the Bourn Hill, in the county of Gloucester.

CAP. LXVI.

An act for amending, widening, and keeping in repair, the roads leading from Christian Malford Bridge, in the county of Wilts, to Shillingford Gate, in the county of Berks; and also from Swindon to Lyddenton Wall, in the said county of Wilts.

Anno tricesimo primo GEORGII II. c. 67,--75. [1758.

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An act for widening and repairing several roads leading from the Welch Gate and Cotton Hill, in the town of Shrewsbury, in the county of Salop.

CAP. LXVIII.

An act for amending the road leading from Pengate in the parish of Westbury, in the county of Wilts, to Latchet's Bridge, near the east end of Market Lavington: and also the road leading from Market Lavington Down, to the turnpike road near Dewey's Water: and also the road leading from Bolesborough, to Studley Lane end; and also the road leading from Yarnbrook, to the turnpike road at Melkiham, in the faid county of Wilts.

CAP. LXIX.

An act to continue and render more effectual an act made in the fifteenth year of his present Majesty's reign, intituled, An act for laying a duty of two pennies Scots, or one fixth part of a penny sterling, upon every Scots pint of ale and beer which shall be brewed for sale, brought into, tapped, or sold, within the town of Kirkcaldy, and liberties thereof.

CAP. LXX.

An act to enable the trustees appointed for putting in execution an act passed in this session of parliament, intituled, An act for repealing so much of the act of the sisteenth year of his present Majesty, for enlarging the term and powers granted by an act of the thirteenth year of his late majesty King George the First, for repairing the roads from Cirencester Town's end to Saint John's Bridge, in the county of Gloucester, as directs that the inhabitants of the several parishes and hamlets therein named, shall pass toll-free: and for repairing the Street from the High Cross in Cirencester, to the town's end there, and for other purposes therein mentioned; and for enlarging the terms and powers granted by the said two former acts; to reduce all or any of the tolls granted by the said act; and for appointing additional trustees for putting the said acts in execution.

CAP. LXXI.

An act for regulating, governing, preserving, and improving, the oyster fishery in the river Colne, and waters thereto belonging.

CAP. LXXII.

An act for extending the navigation of the river Calder, to or near to Sowerby Bridge in the parish of Halifax; and for making navigable the river Heble, Halig or Halifax Brook, from Brooksmouth to Salter Hebble Bridge, in the county of York.

CAP. LXXIII.

An act for repairing and widening the roads from Chawton Pond, in the parith of Chawton, in the county of Southampton, through Rumfdean Bottom, Weilmeon, Warnford, Exton, Bithop's Waltham, and over Sherrill Heath, and through Wickham and Fareham, to the town of Gotport; and from Exon aforesaid, through Drexford, to the east end of Sherrill Heath, in the said county.

CAP. LXXIV.

An act for repairing and widening the roads from the town of Bishop's Waltham, in the county of Southampton, over the top of the down called Stephen's Calle Down, and through Salt Lane and Tichborne, to the town of New Alresford; and from the Market House in the said town of New Alresford, through Old Alresford, Bradley Lane, and over Herriard Common, to the town of Odiham in the said county.

CAP. LXXV.

An act for repairing and widening the roads from the town of Stockbridge, in the county of Southampton, to the city of Winchester; and from the said city, through Belmour Lane, to the top of Steven's Castle Down, near the town of Bithop's Waitham, in the said county; and from the said city of Winchester, through Otterborne, to Bargate, in the town and county of the town of boutnamy ten.

CAP.



1759.] Anno tricesimo secundo Georgii II. c. 1.

CAP. LXXVI.

An act for relief of the coalheavers working upon the river Thames; and for enabling them to make a provision for such of themselves as shall be sick, lame, or past their labour, and for their widows and orphans.

CAP. LXXVII.

An act for repairing and widening the road from the Swan Inn at Leatherhead, to the Maypole at the upper end of Spital or Somerset Street, in the parish of Stoake, near the town of Guldeford, in the county of Surrey.

CAP. LXXVIII.

An act for repairing and widening the road from the town of Guldeford, to the Directing Post near the town of Farnham, in the county of Surrey.

Anno Regni GEORGII II. Regis Magnæ Britanniæ, Franciæ, & Hiberniæ, tricesimo secundo.

A thirty first day of May, Anno Dom. one thousand seven hundred and fifty four, in the twenty seventh year of the reign of our sovereign lord George the Second, by the grace of God, of Great Britain, France, and Ireland, King, defender of the faith, &c. And from thence continued by several prorogations to the twenty third day of November, one thousand seven hundred and sifty eight, being the sixth session of this present parliament.

CAP. I.

An act to continue, for a limited time, an act made in the last session of parliament, intituled, An act to permit the importation of salted beef, pork, and butter, from Ireland, for a limited time, and to amend the said act.

VHEREAS the permitting the impertation of Salted beef, Preamble. pork, and butter, from Ireland into this kingdom, bath been found useful and beneficial; and that the time allowed for that purpose is near expiring, and it is expedient that the same should be prolonged: may it therefore please your most excellent Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That an act made Act 31 Geo. 1. in the last session of parliament, intituled, An act to permit the importation of falted beef, pork, and butter, from Ireland, for a limited time, which was to continue in force for the term of fix months, from and after the twenty fourth day of June, one thoufand feven hundred and fifty eight, shall be, and the same is further conhereby further continued from the expiration thereof, until the tinued to 24 twen- Dec. 1759.

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twenty fourth day of December, one thousand seven hundred and fifty nine; except only with respect to such parts thereof relating to the payment of the duty, and to the recovering of penalties, as are amended, or otherwise provided for by this act.

All kinds of falted pork, and hog meat, may be unported.

II. And whereas doubts have arisen whether all kinds of salted pork and hog meat may be imported from Ireland, by virtue of the above recited act; be it therefore declared and enacted by the authority aforesaid, That the said act does and shall extend, and shall be deemed, construed, and taken to extend, to all kinds of falted pork and hog meat imported, or to be imported, into Great Britain from Ireland, during the continuance of the said

act. III. And whereas the duty or imposition of one sbilling and three pence charged and directed by the Said act to be laid on every hundred weight of falted beef or pork fo to be imported from Ireland as aforesaid, is not adequate to, but falls short of, the duty laid upon, and payable for, such quantity of falt as is requisite and necessary to be used in curing and salting the same : and whereas the salted beef and pork imported into this kingdom from Ireland, is generally packed up and contained in casks, with the pickle or brine proper for preferving the same; and the opening the said casks, in order to ascertain the net weight of the beef and pork liable to the said duties on importation, would not only be very expensive to the revenue, but also angreat detriment and loss to the said provisions, and the owner and importer of the same; and that it would be more for the benefit and advantage of the revenue, and also of such owner and importer, that the rates and duties to be paid upon the importation of such beef and pork, should be ascertained by, and laid upon, every barrel of the said commodities so to be imported, according to the rate and propertion herein after mentioned; therefore be it enacted by the authority aforesaid, That from and after the said twenty fourth day of December, one thousand seven hundred and fifty eight, and during the continuance of this act, there shall be paid for every to pay 38. 5d. barrel or cask of salted beef or pork so imported as aforesaid. containing thirty two gallons, to the proper officer appointed by the faid former act, the sum of three shillings and four pence, as and for custom or duty for, on, or in respect thereof; and to in proportion for any greater or leffer quantity thereof: and for every hundred weight of falted beef, called dried beef, or dried neats tongues, or dried hog meat, to imported, the fum of one shilling and three pence, and so in proportion for every greater or leffer quantity thereof, as and for custom or duty for, on, or

in respect thereof. IV. And it is hereby further enacted by the authority aforefaid, That if any person thall after the said twenty fourth day of December, one thousand seven hundred and fifty eight, during the continuance of this act, land any fuch falted beef, pork, or butter, or any falted beef called dried beef, or dried neats tongues, or dried hog meat, imported from Ireland, as aforefaid, before payment of the duty laid or directed by this act, forteited, with the fame, together with the cafks, veffels, and package, con-

if landed without duty paid, to be

Beef or pork, if in pickle, per barrel, duty;

if dried, hundred weight;



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taining the same, shall be forfeited and lost; and the importer the package; or proprietor of the faid commodities shall also forfeit and pay and importer the sum of twenty shillings for every barrel of such salted beef, also to pay 208. pork, or butter, and for every hundred weight of fuch falted or hundred beef, called dried beef, or dried neats tongues, or dried hogs weight. meat, so imported and landed as aforesaid, and so in proportion for every greater or lesser quantity thereof; and that it shall and Officer of may be lawful to and for any person or persons (being an of-customs, or ficer of the customs, or of his Majesty's duties upon salt) to salt duties, may seize the take and seize all such commodities as shall be imported and same. landed, contrary to the true intent and meaning of this and the Forfeitures to former act; and that all penalties and forfeitures inflicted and be distributed, directed to be levied by this act, shall be distributed in manner andrecovered, as by the faid former act, and may be recovered either by the as by the forways and means directed and appointed by the faid former act, mer act. or may be fued for, recovered, and mitigated, by any of the laws of and relating to the excise.

CAP. II.

An all to continue, for a farther time, the probibition of the exportation of corn, malt, meal, flour, bread, biscuit, and starch; and also to continue, for a further time, the probibition of the making of low wines and spirits from wheat, barley, malt, or any other fort of grain, or from meal or flour; and to probibit, for a limited time, the making of low wines and spirits from bran.

WHEREAS an act made in the last session of parliament, in- Preamble, relast session of parliament, for prohibiting the exportation of clauses in act corn, malt, meal, flour, bread, biscuit, and starch; and for prohibiting the making of low wines and spirits from wheat, barley, malt, or any other fort of grain, or from meal or flour; and to allow the transportation of wheat, barley, oats, meal, and flour, to the Isle of Man, for the use of the inhabitants there; and for reviving and continuing an act made in the same session, for discontinuing the duties upon corn and flour imported, and upon corn, grain, meal, bread, biscuit; and flour, taken from the enemy; and to permit the importation of corn and flour into Great Britain and Ireland, in neutral thips; and to authorize his Majesty, with the advice of his privy council, to order and permit the exportation of such quantities of the commodities aforesaid, as may be necessary for the sustentation of any forces in the pay of Great Britain, or of those of his Majesty's allies acting in support of the common cause; and to prohibit the payment of any bounty upon the exportation of any of the faid commodities to be made during the continuance of this act, is near expiring : and whereas it is expedient that fo much of the faid act as relates to the exportation of corn, malt, meal, fixer, bread, biscuit, and flurch; and a fo that the ast made in the thirtic:b VOL. XXII.

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and 30 Geo. 2.

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The recited clauses in the act of the last fession,

and in act 30 Geo. 2.

further continued to 24 Dec. 1759; unless the term shall be abridged by tion, or order of council.

tieth year of his present Majesty's reign, intituled, An act to prohibit, for a limited time, the making of low wines and spirits from wheat, barley, malt, or any other fort of grain, or from any meal or flour, which was continued by the faid first mentioned act, should be further continued; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament affembled, and by the authority of the same, That so much of the said act made in the last session of parliament, intituled, An act for continuing certain laws made in the last session of parliament, for prohibiting the exportation of corn, malt, meal, flour, bread, biscuit, and starch; and for probibiting the making of low wines and spirits, from wheat, barley, malt, or any other fort of grain, or from meal or flour; and to allow the transportation of wheat, barley, outs, meal, and flour, to the Isle of Man, for the use of the inhabitants there; and for reviving and continuing an act made in the same session, for discontinuing the duties upon corn and four imported, and upon corn, grain, meal, bread, biscuit, and flour, taken from the enemy; and to permit the importation of corn and fiour into Great Britain and Ireland, in neutral Ships; and to authorize his Majesty, with the advice of his privy council, to order and permit the exportation of such quantities of the commodities afore-Said, as may be necessary for the sustentation of any forces in the pay of Great Britain, or of those of his Majesty's allies acting in Support of the common cause; and to prohibit the payment of any bounty upon the exportation of any of the said commodities, to be made during the continuance of this act, as relates to the continuation of the act made in the preceding session of parliament, for prohibiting the exportation of corn, malt, meal, flour, bread, bifcuit, and starch; and also the several clauses in the said first mentioned act contained, for allowing the transportation of wheat, barley, oats, meal, and flour, to the Isle of Man, for the use of the inhabitants there; to authorize his Majetty, by the advice of his privy council, to order and permit the exportation of fuch quantities of the commodities aforesaid, as may be neceffary for the fustentiation of any forces in the pay of Great Britain, or of those of his Majesty's allies, acting in support of the common cause; and to prohibit the payment of any bounty upon the exportation of any of the faid commodities; shall be, and the same are hereby further continued, from the expiration thereof, until the twenty fourth day of December, one thousand feven hundred and fifty nine; unless such continuation shall be abridged or shortened by any other act to be made in this preparliament, or fent fession of parliament, or unless such continuation shall, durby proclama- ing the recess of parliament, be abridged or shortened by his Majesty's royal proclamation or proclamations, to be issued with the advice of his privy council, or his Majesty's order or orders in council, to be published in the London Gazette; which proclamation or proclamations, order or orders, his Majesty, during the recess of parliament, and not otherwise, is hereby impowered, with the advice of his privy council, to iffue and make. II. And



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II. And be it further enacted by the authority aforesaid, Act 30 Geo. 2. That the said act made in the thirtieth year of his Majesty's continued to reign, intituled, An act to prohibit, for a limited time, the making 24 Dec. 1759; of low wines and Spirits from wheat, barley, malt, or any other fort of grain, or from any meal or flour, shall be, and the same is hereby further continued, from the expiration thereof, until the faid twenty fourth day of December, one thousand seven hundred and fifty nine.

III. And be it further enacted by the authority aforesaid, and the seve-That from and after the twenty fourth day of December, one ral provisions thousand seven hundred and fitty eight, until the twenty fourth thereof exday of December, one thousand seven hundred and fifty nine, hibiting the the feveral provisions made by the said act for prohibiting the making of making of low wines and spirits from wheat, barley, malt, or low wines and any other fort of grain, or from any meal or flour, shall, in like spirits from manner, extend to the prohibiting of the making of low wines

and spirits from bran.

IV. And whereas it would be of geat relief and advantage to the inhabitants of the islands of Jersey and Guernsey, if a sufficient quantity of meal, flour, bread, and biscuit, was allowed to be transported to the Said islands, for the only use of the inhabitants there, instead of the like quantity of wheat, malt, or barley, allowed by the said att made in the last session of parliament to be transported to those islands; be it therefore further enacted by the authority aforesaid, Certain quan-That it shall be lawful, at any time or times before the expirations of meal, tion of this act, to transport, from the port of Southampton only, or biscuit, may unto the said islands of Jersey and Guernsey, for the only use of be transported the inhabitants there, any quantity or quantities of meal, flour, from Southbread, or biscuit, in lieu of the like quantity or quantities of ampton, for wheat, malt, or barley, allowed by the said act to be transported inhabitants of to the faid islands, so that the whole quantity of wheat, malt, bar- Jersey and ley, meal, flour, bread, and biscuit, transported to the said islands, Guernsey, before the expiration of this act, doth not exceed the quantity of wheat, malt, or barley, limited by the faid act to be transported to the faid islands; and such transportation hereby authoriz- under certain ed and allowed, shall be made under such and the like regulations, penalties, and forfeitures, as the transportation of wheat, malt, and barley, to the faid islands is by the faid act made subject; any thing in any former act or acts contained to the contrary notwithstanding.

V. And be it further enacted by the authority aforesaid, That, pois deemed in order to ascertain the amount of the said transportation, every equal to 1 bufeventy pounds avoirdupois weight of bread or biscuit, shall be shel of wheat, deemed respectively, for the purposes of this act, equal to one &c.

bushel of wheat, malt, or barley.

VI. And be it further enacted by the authority aforesaid, That Return to be the commissioners of the customs for the time being shall, and parliament of they are hereby required, to give a full and true account in writ- the quantity ing to both houses of parliament, at the beginning of the next of the said session thereof, of all flour, meal, bread, and biscuit, that shall exports. have been exported to each of the said islands of Fersey and Guernsey, by virtue or in pursuance of this act.

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CAP.



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CAP. III.

An act for granting an aid to his Majesty by a land tax to be raised in Great Britain, for the service of the year one thousand seven hundred and fifty nine. 4s. in the pound.

CAP. IV.

An act for continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and fifty nine.

CAP. V.

An act for punishing mutiny and desertion; and for the better payment of the army and their quarters.

CAP. VI.

An act to explain and amend an act passed in the twenty second year of his present Majesty's reign, intituled, An act for the more easy and speedy recovery of small debts within the town and borough of Southwark, and the several parishes of Saint Saviour, Saint Mary at Newington, Saint Mary Mag. laten Bermondsey, Christ Church, Saint Mary Lambeth, and Saint Mary at Rotherhith, in the county of Surry, and the several precincts and liberties of the same; and for extending the powers and provisions of the said act to such part of the eastern half of the hundred of Brixton, in the said county; as is not included in the said act.

CAP. VII.

An act to indemnify persons who have omitted to qualify themselves for offices and employments within the time limited by law; and for allowing further time for that purpose.

Preamble, reciting the feveral qualifying acts of 1 Geo. 1, 13 Car. 2, 25 Car. 2, 13 Car. 2, 18 Geo. 2, 30 Geo. 2, and 31 Geo. 2. Further time to 28 Nov. 1759, allowed to perfons who have omitted to qualify themselves, as the said laws direct. Persons qualifying themselves in manner, and within the time, appointed, recapacitated and indemnised. Offices, &c. already avoided by judgment of a court, and filled up, confirmed. None indemnished where final judgment hath been given for the penalty incurred.

CAP. VIII.

An alt for taking off the probibition of the exportation of corn, malt, meal, flour, bread, biscuit, and starch.

Act of this fession.

WHEREAS by an act made in this session of parliament, intituled, An act to continue, for a farther time, the prohibition of the exportation of corn, malt, meal, flour, bread, biscuit, and starch; and also to continue, for a farther time, the prohibition of the making of low wines and spirits from wheat, barley, malt, or any other fort of grain, or from meal or flour; and to prohibit, for a limited time, the making of low wines and spirits from bran; it was enacted, That the prohibition of the exportation of corn, malt, meal, flour, bread, biscuit, and starch, and likewise the prohibition of the payment of any bounty upon the exportation of any of the said commodities, should be further continued until the twenty fourth day of December, one thousand seven lundred and fifty nine, unless such continuation should be abridged or shortened by any other act to be made in this present session of parliament, or in

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Juch other manner as by the said act is provided: and whereas it is expedient for the publick service, that the continuance of so much of the said act as relates to the prohibition of the exportation of corn, malt, meal, flour, bread, biscuit, and flarch, and of the payment of any bounty on the exportation of any of the fuid commodities, should be abridged and shortened; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parlialiament affembled, and by the authority of the same, That such The exportacontinuance shall, from and after the twenty fifth day of rion of corn, March, one thousand seven hundred and fifty nine, cease and visionally aldetermine.

II. Provided always, and be it enacted by the authority afore- unless his Mafaid, That if, at any time before the twenty fifth day of De- jesty by, procember, one thousand seven hundred and fifty nine, his Majesty clamation, or shall judge it to be most for the benefit and advantage of this cil, shall stop kingdom to stop the exportation of the said commodities, it shall the exportabe lawful for his Majesty, by his royal proclamation, to be issued tion thereof, by the advice of his privy council, or by his Majesty's order in until 25 Dec. council, to be published in the London Gazette, to prohibit and stop the exportation of the said commodities, until the twenty fifth day of December, one thousand seven hundred and fifty nine; except only in fuch cases in which the said commodities Exception. were allowed to be exported during fuch continuance of the faid act of this fession of parliament.

CAP. IX.

An act for the regulation of his Majesty's marine forces while on shore.

CAP. X.

An act for granting to his Majesty a subsidy of poundage upon certain goods and merchandizes to be imported into this kingdom; and an additional inland duty on coffee and chocolate; and for raising the sum of six millions six hundred thousand pounds, by way of annuities and a lottery, to be charged on the said subsidy and additional inland duty.

Most gracious Sovereign,

WE, your Majesty's most dutiful and loyal subjects, the Preamble. commons of Great Britain in parliament assembled, towards raising, by the most easy means, the necessary supplies to defray your Majesty's publick expences, have freely and voluntarily resolved to give and grant unto your Majesty the several subsidies, rates, and duties, herein after mentioned; and do most humbly bescech your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual, and temporal and commons, in this prefent parliament affembled, and by the authority of the same, That from and after the lifth day of April An additional one thousand seven hundred and fifty nine, there shall be raised, subre, of red. levied, in the pound granted upon D 1 3

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dizes imported,

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certain goods levied, collected, and paid unto and for the use of his Majesty, and merchan his heirs, and successors, for and upon all tobacco, foreign linnens, fugar, and other grocery, as the same is understood in the books of rates, except currants; East Iudia goods, except coffee and raw filks; foreign brandy and spirits, except rum of the produce of the British sugar plantations; and paper, which shall be imported or brought into the kingdom of Great Britain, a as the same are further subsidy of poundage of twelve pence in the pound, according to the value or rate respectively set upon each of the faid commodities by the several books of rates, or any act or acts of parliament relating thereunto; which subsidy shall be paid by the importer of fuch goods and merchandizes, before the landing thereof, over and above all other duties charged or chargeable thereupon.

valued in the books of rates;

and to be lequer,

II. And be it further enacted and declared by the authority vied and paid aforesaid, That the said subsidy of poundage by this act imposed, into the exche- shall be raised, levied, collected, and paid into his Majesty's exchequer, for the purposes in this act expressed, in such and like form and manner, and with fuch allowances, discounts, drawbacks, and exemptions, and under fuch penalties and forfeitures, and according to such rules, methods, and directions, as are as the fubfidy prescribed or appointed for raising, levying, collecting, and payof 51. per cent. ing, the subsidy of five pounds per centum, granted by an act granted by 21 made in the twenty first year of the reign of his present Majesty, intituled, An all for granting to his Majefly a subsidy of poundage upon all goods and merchandizes to be imported into this kingdom; and for raising a certain sum of money by annuities and a lottery, to be charged on the faid fublish; and for repealing to much of an all made in the twentieth year of his present Majesty's reign, as enacts, That prize goods and merchandize may be exported without paying any duty of custom or excise for the same; or as are contained in or by any other act or acts of parliament by the said act of the twenty first year of the reign of his present Majesty, referred unto, or any of them; and all and every the powers, authorities, rules, directions, penalties, forfeitures, clauses, matters, and things, now in force, contained in the faid act made in the twenty first year of his present Majesty's reign, or in any other act or acts of parliament in the faid act referred unto, or any of them, for the raising, levying, collecting, and paying, the subsidies thereby granted, shall be in full force, and be duly observed, practifed, and put in execution, throughout this kingdom, for raifing, levying, collecting, and paying, the subfidy of poundage of twelve pence in the pound by this act granted, as fully and effectually to all intents and purpofes, as if the same or the like powers, authorities, rules, directions, penalties, forfeitures, clauses, matters, and things, were particularly repeated and reenacted in the body of this present act.

Pire goods are to he Act 10 Geo. 2.

III. Provided nevertheless, That if any of the goods and merchandizes, charged with the fubfidy by this act imposed, charged only have been, or, during the continuance of this present war with ties payable by France, thall be, taken and brought into any port of this king-

Anno tricesimo secundo Georgii II. c. 10. *759·J

dom by any of his Majesty's ships or vessels of war, or by any private thips or vessels of war, and shall be condemned as lawful prize, the lame shall not be liable to any other or further duty than what they are respectively charged with, by an act made in the thirtieth year of his present Majesty, intituled, An att for the relief and encouragement of the captors of prizes, with respect to the bringing and landing prize goods in this kingdom; unless the said goods and merchandizes so taken and condemned unless taken as prize, shall, for home consumption, be taken out of any ware- out of the house wherein they are secured under the provisions of the said warehouses act; in which case, the person or persons so taking out the said for home consumption. goods and merchandizes shall first pay up the subsidy by this act granted, as well as all other duties payable to his Majesty

IV. Provided also, and it is the true intent and meaning of Allowance to this act, that the importers of tobacco shall, upon paying be made to the down the subsidy hereby granted, have the same allowance with importer of respect to this subsidy, as they are intitled to by any law now in tobacco, on force upon tobacco imported; but in case the faid subsidy bereby force upon tobacco imported; but in case the said subsidy hereby the duty. granted, shall not be paid down as aforesaid, and the said impor- Bond to be ters shall become bound to his Majesty, his heirs, or successors, given on nonwith one or more sufficient sureties, to be approved of by the payment of collector of the port where the tobacco shall be imported, with the confent of the comptroller of fuch port, in one or more bond or bonds, at the election of the importer, for payment of the faid fubfidy within eighteen months, to commence at the end of thirty days after the master's report of the ship, or to commence from the merchant's entry of the goods within those thirty days, which shall first happen; that then the importers shall, in such and the imcase, have, and be intitled to, the same allowances and discounts, porters to have with respect to the subsidy hereby granted, or for paying the same the usual albefore the bonds become due, as they are at this time intitled to lowances and by any law now in force upon bonds given for tobacco imported; discounts. any thing herein contained to the contrary thereof in any wife notwithstanding.

thereon.

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V. Provided always, and it is hereby enacted and declared by Drawback of the authority aforesaid, That in all cases where any goods or the duty almerchandizes, that have paid the fubfidy hereby granted, fhall lowed upon at any time or times be again exported by any merchant or mer- tion of goods chants, within three years from the importation thereof, the within 3 years. fubfidy by this act granted, and which shall have been actually paid for fuch goods, wares, or merchandizes, shall, without any delay or reward, be paid unto fuch merchant or merchants who shall export the same, or the security vacated; except for such Exception. goods or merchandizes, as by any former act or acts of parliament it is declared no drawback shall be paid or allowed upon

exportation of. VI. Provided always, and be it enacted by the authority Drawback of aforesaid, That so much money as shall, from time to time, the duty albe paid for the duties granted by this or any former act or acts lowed on paof parliament whatfoever, for any quantities of paper which per used in shall printing books

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Janguages in both univeruties;

by act 10' Anne.

Like drawback allowed on paper uled in printing books in the learned lan-Scotland.

A Drawback of 3s. per hundred weight allowed on fugar re-Britain, and

in the learned shall be used in printing any books inthe latin, greek, oriental, or northern languages, within the two universities of Oxford or Cambridge, or either of them, by permission of the vice chancellors of the same respectively, shall and may be drawn back and repaid in such manner as is prescribed by an act made in the tenth year of the reign of Queen Anne, intituled, An act for laying several duties upon all soap and paper made in Great Britain, or imported as is prescribed into the same; and upon chequered and Ariped linens imported; and upon certain silks, callicoes, linens, and stuffs, printed, painted, or Stained; and upon several kinds of stampt vellum, parchment, and paper; and upon certain printed papers, pamphlets, and advertisements, for raising the sum of eighteen hundred thousand pounds, by way of lottery, towards her Majesty's Supply; and for licensing an additional number of backney chairs; and for charging certain flocks of cards and dice; and for better securing her Majesty's duties to arise in the office for the stamp duties by licences for marriages and otherwife; and for relief of persons who have not claimed their lottery tickets in due time, or have lost exchequer bills, or lottery tickets; and for borrowing money upon Rock, part of the capital of the South Sea company, for the use of the publick.

VII. Provided always, and be it enacted by the authority aforesaid, That so much money as shall, from time to time, be paid for the duties granted by this or any former act or acts of parliament whatfoever, for any quantities of paper which shall be used in printing any books in the latin, greek, oriental, or guages in the northern languages, within the universities of Scotland, or any of universities of them, by permission of the principal of the same respectively, shall and may be drawn back and repaid in such manner as is prescribed by an act made in the tenth year of the reign of Queen Anne, intituled, An ast for laying several duties upon all soap and paper made in Great Britain, or imported into the same; and upon chequered and striped linens imported; and upon certain filks, callicoes, linens, and stuffs, printed, painted, or stained; and upon several kinds of stampt vellum, parchment, and paper; and upon certain printed papers, pamphlets, and advertisements, for raising the sum of eighteen hundred thousand pounds, by rosy of a lottery, towards her Majesty's supply; and for licensing an additional number of backney chairs; and for charging certain flocks of cards and dice; and for better fecuring her Alijefry's duties to arile in the office for the stamp duties by licences for marriages and otherwife; and for relief of persons who have not claimed their lettery tickets in due time, or have loft exchequer bills, or lottery tickets; and for borrowing money upon stock, part of the capital of the South Sea company, for the use of the publick.

VIII. And be it further enacted by the authority aforefaid, That for every hundred weight of fugar imported into Great Britain, after the faid fifth day of April one thousand seven hundred and fifty nine, and refined there (and so in proportion for fined in Great a greater or leffer quantity) that shall be exported out of this kingdom, after the faid tifth day of April one thousand seven exported, &c. hundred and fifty nine, during the continuance of this act, there shall be repaid at the custom-house to the exporter, within thirty

days



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days after the demand thereof, the sum of three shillings, over and above the present bounties; oath being first made by the Refiner to refiner that the fugar fo exported was produced from brown and make oath. muscovado sugar charged by this act, and that, as he verily believes, the same was imported from his Majesty's plantations in America, and the duty duly paid at the time of the importation thereof, the exporter making oath that the same was duly ex- Exporter to ported, and his Majesty's searchers also certifying the shipping make oath. thereof, and all other requifites being performed according to the Searcher to respective books of rates.

IX. And be it further enacted and declared by the authority Books to be aforesaid, That in the office of the auditor of the receipt of the kept for enterexchequer, a book or books shall be provided and kept, in which ing the moall the money arising from the said additional subsidy of poundage hies coming in by this act. of twelve pence in the pound, and paid into the faid receipt, Ihall be entered separate and apart from all other monies paid or payable to his Majesty, his heirs, or successors, upon any account whatfoever; and the faid money fo arifing from the faid additional subsidy of poundage of twelve pence in the pound, and paid into the faid receipt of the exchequer, shall be part of the fund established for the several purposes herein after mentioned.

X. And be it further enacted and declared by the authority An additional aforesaid, That from and after the fifth day of April one thou- in and duty to fand feven hundred and fifty nine, there shall be charged, levied, be paid of collected, and paid, unto and for the use of his Majesty, his is per lb. on heirs, and successors, for and upon all coffee to be sold in Great Britain, by wholesale or retail, and upon all chocolate to be made or fold in Great Britain, an additional inland duty, to be paid by the respective sellers of such coffee, and by the respective makers or fellers of such chocolate; that is to say, For and upon all coffee to be fold in Great Britain, an additional duty of one shilling per pound weight averdupoise; and in that proportion for a greater or leffer quantity, over and above the prefent inland duty, and over and above all customs and duties payable upon the importation thereof; and for and upon all chocolate to be made or sold in Great Britain, an additional duty of nine pence and 9d. per lb. per pound weight averdupoise; and in that proportion for a greater or leffer quantity, over and above the prefent inland duty payable thereupon.

XI. And be it further enacted and declared by the authority The faid duaforesaid, That the said additional inland duties hereby granted ties on coffee to his Majesty, shall be raised, levied, collected, and paid, in the and chocolate fame manner, and under fuch management, and under fuch pe- to be levied nalties and forfeitures, and with fuch powers for recovering the and paid, as fame, and by fuch rules, ways, and methods, as the former in- land duties land duties payable to his Majesty upon coffee and chocolate are payable thereraised, levied, collected, and paid, as fully, and to all intents and on. purposes, as if the several clauses, powers, directions, penalties, and forfeitures, relating thereto, were particularly repeated, and again enacted, in the body of this present act.

XII. And be it further enacted and declared by the authority

on chocolate.

Coffee lodged in warehouses

on 6 April,

1759, to be

charged with

tional duty;

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aforesaid, That all the coffee which, on the fixth day of April one thouland seven hundred and fifty nine, shall be lotiged or fecured in any warehouse or warehouses in pursuance of the directions of any former act or acts of parliament in that behalf the new addi- made, shall be, and is hereby charged with the said additional duty of one shilling per pound, to be paid in like manner as the

as also the flock in hand of coffee and chocolate (except for private use)

golb. of roafted coffee to be charged after the rate of 112lb. of raw coffee. Duty to be paid into the office of excife.

Stock in hand of chocolate (except for private ufe) to be brought to the proper offices in order to be ftampt.

former inland duty on coffee is directed to be paid. XIII. And be it further enacted and declared, That all the coffee and chocolate which any dealer in, or feller of, coffee, or any dealer in, or maker or seller of, chocolate, in Great Britain (other than and except such persons who make chocolate for their family use, and not for sale, with respect only to their stock in hand) or any person or persons in trust for him, her, or them, or for his, her, or their use, shall be possessed of, or interested in, upon the faid fixth day of April one thousand seven hundred and fifty nine, shall be, and is hereby, charged with the said additional inland duty of one shilling per pound for the said coffee, and nine pence per pound for the faid chocolate; and that every ninety pounds weight of roafted coffee, by reason of the common decrease by shrinking in the roasting thereof, shall be charged after the rate of one hundred and twelve pounds of raw coffee; and so in proportion for a greater or less quantity; which said additional inland duty for the stock in hand shall be paid by the respective sellers of coffee, and such makers or sellers of chocolate as aforelaid, to the proper officer of excise for the said inland duties, at the office of excise within the limits of which they shall respectively inhabit; that is to say, All such duties as shall arise within the limits of the chief office of excise in London. shall be paid within fourteen days next after the said fifth day of April one thousand seven hundred and fifty nine; and all such duties as shall arise in any other part of Great Britain, shall be paid within fix weeks next after the faid fifth day of April one thousand seven hundred and fifty nine.

XIV. And it is hereby further enacted by the authority aforefaid, That all such chocolate as shall, on the fixth day of April one thousand seven hundred and fifty nine, be in the custody or possession of any maker or seller of chocolate, other than such makers as aforesaid, or of any person or persons in trust, or for the use, of him, her, or them, within the limits of the chief office of excise in London, shall, within fourteen days next after the the faid fifth day of April one thousand seven hundred and fifty nine, and all fuch chocolate as shall, on the fixth day of April one thousand seven hundred and fifty nine, be in the possession of any maker or feller of chocolate (other than fuch makers as aforesaid) or of any person or persons in trust, or for the use, of him, her, or them, in any other part of Great Britain, shall, within fix weeks next after the faid fifth day of April one thousand feven hundred and fifty nine, be brought to the respective offices where the entries for the same shall be, or ought to have been, made, and shall then have some new and additional stamp, mark, impression, or device, affixed thereon, to denote that it has been

charg-

1759.



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charged with the said additional inland duty; which stamp, New stamps to mark, impression, or device, and all other stamps, marks, im- be provided pressions, or devices, which shall be made use of to denote the on this occacharging the said additional duties, either on the stock in hand, or any future stock, the said respective commissioners of excise, and for the faid inland duties, for the time being, are hereby directed to provide, in fuch manner as to them shall seem meet; which stamps, marks, impressions, or devices, or any of them, which may be may, from time to time, be varied or altered in such manner as altered from the faid commissioners shall judge most proper; and if any per-time to time. fon or persons whatsoever shall, at any time, counterfeit or forge, The penalty or cause to be counterfeited or forged, any such mark stamp of counterfeitor cause to be counterfeited or forged, any such mark, stamp, ing or forging impression, or device, which shall be made use of in pursuance the same, of this act, or shall utter, vend, or sell, any chocolate with such counterfeit mark, stamp, impression or device thereon, knowing the same to be counterfeited; or shall, upon any chocolate which has not been duly entered with the proper officer, and for which or being guilthe inland duties has not been duly charged or paid, fix or place ty of any fraud therein; any paper or papers having on it or them the impression of such mark or marks, stamp or stamps; or shall, in such paper or papers, inclose such chocolate as shall not have been duly entered with the proper officer, and for which the inland duties have not been duly charged or paid, with intent to defraud his Majesty of his inland duties for and respect of such chocolate; that then every such person or persons so offending therein shall, for every 500l. and one fuch offence, forfeit and lose the sum of five hundred pounds, year's impriand also shall be committed to the next county gaol, there to re- somment. main for twelve months without bail or mainprize.

XV. And it is hereby further enacted by the authority afore- The penalty faid, That if any person or persons having, on the said fixth day of secreting or of April, one thousand seven hundred and fifty nine, in his or concealing the their custody or possession, any stock or quantity of coffee or stock in hand chocolate chargeable by this act with the faid additional inland du-chocolate; ties, shall clandestinely remove or carry away, or cause or suffer to be removed or carried away, the same, or any part thereof, before his Majesty's duties thereupon shall be paid as aforesaid; or shall fraudulently conceal or hide any part of his, her, or their faid stock of coffee or chocolate; or shall neglect or refuse or not sending to bring or fend, within the respective times appointed, his, her, the chocolate or their faid stock of chocolate to the respective offices where to be new the entries for the same shall have been, or ought to have been, stampt; made, in order to have such chocolate stamped as aforesaid; or shall, after the said fifth day of April, one thousand seven hun- or vending dred and fifty nine, fell or vend, or offer or expose to sale, any any without of their stock of chocolate, without being first marked or being duly of their stock of chocolate, without being first marked or stampt; stamped to denote the payment of the said additional inland duty; that then, and in each and every of the faid cases, he, she, or they, so offending, for every such offence, shall for- 20s. per lb. feit the fum of twenty shillings for every pound weight of such and forteiture chocolate, and also the chocolate so found after the end of the of the chocofaid fourteen days, or fix weeks respectively, without such mark,

stamp,

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Anno tricesimo secundo Georgii II. C. 10. 1759. stamp, impression, or device thereon, shall be forfeited, and may be feifed.

ferved in packing up, and flamping chocolate.

All chocolate entered, is to be duly brought to the on torfeiture of 20 s. per lb. and to be tied up with thread in papers either of one pound, one balf pound, or a quarter of a pound, which are to be feverally stampt by the proper officers;

and none to quantities than a quarter of a pound, nor without being ftampt, and tied up; and having the original thread and stamp unbroken and un-opened; on forfeiture of 20 l.

Books to be all others.

XVI. And whereas the provision by the former law for packing up chocolate in pounds, has not been found sufficient to prevent frauds, and the permitting the sale of chocolate in small quantities not packed up and secured in the manner herein after directed, has tended to encourage the clandestine and fraudulent making and selling thereof; Rule to be ob. be it further enacted by the authority aforefaid, That all chocolate which, from and after the fifth day of April, one thousand feven hundred and fifty nine, shall be made in Great Britain, shall be packed up, and a stamp or mark put upon the same, in manner herein after mentioned; that is to fay, all fuch makers or proprietors of chocolate, which shall be made in Great Britain, shall, from time to time, and at the respective times and places, when and where they are required to make entries of the chocolate, by or for them respectively made as aforesaid, produce all the chocolate contained in fuch entry, at the respective offices where such entries are or ought to be made, to the proper offices, respective officers who are, or shall be appointed for the receiving fuch entries, on pain of forfeiting the fum of twenty shillings for every pound weight of such chocolate which shall not then be produced; which chocolate shall be brought, inclosed, packed, and tied up with thread, in papers, which faid papers shall each of them contain either one pound, or half a pound, or a quarter of a pound weight of chocolate, and not more or less (at the election of the makers or proprietors) each of which papers fo tied up, shall, by an officer appointed, or to be appointed, by the respective commissioners of excise and inland duties for that purpose, or the major part of them respectively, have fuch a mark, stamp, impression, or device, affixed thereon, as shall be by the said respective commissioners for the time being, from time to time, devised or appointed for that purpose.

XVII. And it is hereby further enacted by the authority abe fold in less foresaid, That if any person or persons shall sell chocolate in any less quantity than a quarter of a pound, or shall sell and deliver any chocolate to any person not being at the time of the fale and delivery thereof duly marked or stamped, or not being at that time inclosed, packed, and tied up with the identical piece of thread which is directed to be used in tying up the chocolate in a paper, before the fame is to have the mark, stamp, impression, or device, affixed thereon, or shall sell and deliver any chocolate, whereof the thread or stamped label inclosing the same at the time of the sale and delivery thereof, shall have been broke or opened in any manner whatfoever, every person or persons so offending, shall, for every such offence respectively,

forfeit twenty pounds.

XVIII. And be it further enacted and declared by the authority aforesaid, That in the office of the auditor of the receipt of tering the du- the exchequer, a book or books shall be provided and kept, in ties apart from which all the monies arising by the said additional inland duties upon coffee and chocolate, and paid into the faid receipt, shall be



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entered separate and apart from all other monies paid or payable to his Majesty, his heirs, and successors, upon any account whatfoever; and the faid money fo arising from the faid additional duties, and paid into the faid receipt of exchequer, thall be part of the fund established for the several purposes herein after mentioned.

XIX. And be it further enacted and declared by the autho- These duties rity aforesaid, That the several annuities which by this act are appropriated herein after directed to attend, as well the principal fum of fix ment of the millions fix hundred thousand pounds, and the additional ca-annuities pital of five pounds to be added to every one hundred pounds chargeable on thereof, as the additional capital which will arise by ten pounds, the monies to be given in and by a lottery ticket to each subscriber, for and the credit of upon every one hundred pounds, advanced and paid towards this act. the faid fum of fix millions fix hundred thousand pounds, shall be charged and chargeable upon, and payable out of the subsidies, rates, and duties, composing the fund hereby established for the payment thereof, and the faid subsidies, rates, and duties, are hereby appropriated for that purpose accordingly.

XX. And whereas the commons of Great Britain in parliament affembled, have resolved, That towards raising the supply grantes to his Majesty in this present session of parliament, the sum of six millions fix hundred thousand pounds, be raised by transferrable annuities, after the rate of three pounds per centum per annum; and that an additional capital of fifteen pounds be added to every one hundred pounds advanced; which additional cap tal shall consist of ten pounds in a lottery ticket given to each subscriber on every one hundred pounds advanced, and of five pounds in like transferrable annuities. after the rate of three pounds per centum per annum: and whereas pursuant to, and upon the several terms and conditions expressed in the said resolution, several persons have, in books opened at the bank of England for that purpose, subscribed together the whole of the Said sum of six millions six hundred thousand pounds, and made deposits of fifteen pounds per centum, on the respective sums by them so subscribed, with the cashiers of the bank of England: and whereas several of the said subscribers may have already paid, or may hereafter pay unto the faid cashiers, the whole or some further parts of the sums by them respectively subscribed, previous to the days limited and appointed for the faid respective payments; be it therefore enacted by the authority aforesaid, That it shall and may be law- Times of paytul to and for all fuch fubscribers who have made deposits with, ments in reor payments of further parts to the said cashiers, as afore- spect of the said, to advance and pay, and they are hereby required to sum of advance and pay, unto the said cashier or cashiers of the said subscribed togovernor and company of the bank of England, the several re-wards annuimainders of the fums by them respectively subscribed, towards ties. the faid fum of fix millions fix hundred thousand pounds, at or before the respective times or days, and in the proportions herein after limited and appointed on that behalf; that is to fay, the further sum of ten pounds per centum, being part of the sum so remaining, on or before the thirtieth day of Murch, in the year

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one thousand seven hundred and fifty nine; the further sum of ten pounds per centum, other part thereof, on or before the twenty feventh day of April, then next following; the further fum of ten pounds per centum, other part thereof, on or before thirty first day of May, then next following; the further sum of ten pounds per centum, other part thereof, on or before the twenty eighth day of June, then next following; the further sum of fifteen pounds per centum, other part thereof, on or before the twenty seventh day of July, then next following; the further sum of ten pounds per centum, other part thereof, on or before the thirty first day of August, then next following; the further sum of ten pounds per centum, other part thereof, on or before the twenty eighth day of September, then next following; and the remaining sum of ten pounds per centum, on or before the twenty fixth day of October, then next following.

Contributors vious to the times limited,

to be allowed interest for the fame, &c.

Annuities to bear 31. per cent.

to commence from 5 Jan. 1759.

Subscribers, tery ticket,

XXI. And be it further enacted by the authority aforesaid, making their That all such subscribers or contributors, their executors, adpayments pre- ministrators, successors, and affigns, paying in the whole, or any part of the sums by them respectively subscribed, previous to the days appointed for the respective payments herein before directed, in respect to their proportionable share of the said sum of fix millions fix hundred thousand pounds, shall be intitled to an allowance of so much money as the interest of the several sums so previously paid, after the rate of three pounds per centum per annum, shall amount to, from the days on which such previous payments shall have been actually made, to the respective times on which such payments are directed to be made; such allowance to be paid by the faid cashier or cashiers, out of the monies contributed towards the faid fum of fix millions fix hundred thousand pounds, as soon as such respective contributors, their executors, administrators, successors, and assigns, shall have completed their payments herein before directed to be made.

XXII. And be it further enacted by the authority aforefaid, That each and every fuch subscriber or subscribers, contributor or contributors, shall be intitled to an annuity after the rate of three pounds per centum per annum, for and upon every one hundred pounds by him or them respectively subscribed, advanced, and paid; and also to a like annuity of three pounds per centum per annum, for and upon an additional capital of five pounds, to be added to every one hundred pounds, by fuch subscriber or subscribers, contributor or contributors respectively, advanced and paid; which faid annuities thall commence and be computed from the fifth day of January, one thousand seven hundred and fifty nine, and shall be paid by half-yearly payments, by even and equal portions, on the fifth day of July, and the fifth day of January, in every year.

XXIII. And be it further enacted by the authority aforesaid. for every rool. That each and every fuch subscriber or subscribers, contributor subscribed, in or contributors, shall, for and upon every one hundred pounds titled to a lot- by him or them respectively subscribed, advanced, and paid, be likewise intitled to one ticket in the lottery, herein after men

tioned;

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tioned; which faid ticket will be equal in value to, and is to be taken and accepted as an addition of ten pounds capital, on every one hundred pounds subscribed, advanced, and paid, as aforefaid, which fum thall carry an annuity at the rate of three pounds per centum per annum; and the faid annuity shall commence and to carry 31. be computed from the fifth day of January, one thousand seven per cent. hundred and fixty, and shall be paid by half-yearly payments on the fifth day of July, and the fifth day of January, in every year.

XXIV. And be it further enacted, That all the annuities a- Annuities foresaid, shall be transferrable at the bank of England; subject transferrable.

nevertheless to such redemption as is hereafter mentioned.

XXV. And be it further enacted by the authority aforesaid, Cashier to give That the cashier or cashiers of the governor and company of the receipts for bank of England, who shall have received, or shall receive any money paid part of the faid contributions, towards the faid fum of fix millions fix hundred thousand pounds, shall give a receipt or receipts in writing to every fuch contributor, for all fuch fums, and that the receipts to be given shall be assignable by indorse- the same made ment thereupon made at any time before the fifth day of January, alignable.

one thousand seven hundred and fixty, and no longer.

XXVI. Provided always, That such cashier or cashiers shall Cashier to give give fecurity to the good liking of any three or more of the com- fecurity; missioners of the treasury for the time being, or the high treafurer for the time being, for duly answering and paying into the receipt of his Majesty's exchequer, for the public use, all the monies which they have already received, and shall hereafter receive, from time to time, of and for the faid fum of fix millions fix hundred thousand pounds, and for accounting duly for the same, and for performance of the trust hereby in them reposed; and to pay in and shall, from time to time, pay all such monies so received, the monies and account for the same, in the exchequer, according to the into the exdue course thereof.

XXVII. And be it further enacted by the authority aforefaid, Cashiers, on That the faid cashier or cashiers shall, and they are hereby au- receipt of 25 l. thorized and required, upon the payment of twenty five pounds per cent. to for every one hundred pounds to subscribed as aforesaid, and not give a note before, to give a note or writing figned by him or them to fuch for the delicontributor or contributors, obliging himself or themselves to very of I lotdeliver to fuch contributor or contributors, or their assigns, a every 100 k ticket in the lottery herein after-mentioned, of the value of ten subscribed. pounds, by way of additional capital, for every one hundred pounds by them respectively subscribed towards raising the sum of fix millions fix hundred thousand pounds, for the purposes aforesaid, as soon as the managers and directors to be appointed for preparing and delivering out the faid tickets in the faid lottery, shall deliver to the said cashier or cashiers the books comprehending the faid tickets.

XXVIII. And be it further enacted by the authority afore- Treasury to faid, That it shall and may be lawful for three or more of the apply the mocommissioners of the treasury, or the high treasurer for the time vices voted by

being, the commons.

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being, to iffue and apply, from time to time, all fuch fums of money as shall be so paid into the receipt of his Majesty's exchequer by the faid cashier or cashiers, to such services as shall then have been voted by the commons of Great Britain, in this

present session of parliament.

Contributors be entered in the office of the accomptthe bank.

Duplicate thereof to be transmitted into the auditor's office.

The monies arifing by the duties of this act appropriated to payment of the annuities.

Contributors not making good their payments within the depolits.

Accomptant general to give credit for the fums nan .ed in the cert:ficates;

XXIX. And be it further enacted by the authority aforesaid, names, &c. to That in the office of the accomptant general of the governor and company of the bank of England for the time being, a book or books shall be provided and kept, in which the names of the ant general of contributors shall be fairly entered; which book or books the faid respective contributors, their respective executors, administrators, and assigns, shall and may, from time to time, and at all feafonable times, refort to and inspect, without any fee or charge; and that the faid accomptant general shall, on or before the fifth day of July, one thousand seven hundred and sixty one, transmit an attested duplicate fairly written on paper of the faid book or books, into the office of the auditor of the receipt of his Majesty's exchequer, there to remain for ever.

XXX. And be it further enacted by the authority aforefaid, That fuch contributors duly paying the whole fum subscribed, at or before the respective times in this act limited in that behalf. and their respective executors, administrators, and assigns, shall have, receive, and enjoy, and be entitled, by virtue of this act, to have, receive, and enjoy, the faid feveral annuities by this act granted, in respect of the sum so subscribed out of the monies appropriated by this act for payment thereof, and shall have good and fure interests and estates therein, according to the several provisions in this act contained; and that the said annuities shall be free from all taxes, charges and impositions

whatfoever.

XXXI. Provided always, That in case any such contributors who have already deposited with, or shall hereafter pay to, the the faid cathiers, any fum or fums of money at the times, and in the manner before-mentioned, in part of the sum so by them times limited, respectively subscribed, or their respective executors, administrato forfeit their tors, and affigns, shall not advance and pay to the said cashier or cashiers, the residue of the sums so subscribed, at the times, and in the manner before-mentioned; then, and in every fuch case, so much of the respective sums so subscribed as shall have been actually paid in part thereof, to the said cashier or cashiers, shall be forfeited for the benefit of the publick; any thing in this act contained to the contrary thereof in any wife notwithstanding.

XXXII. And be it further enacted by the authority aforesaid, That the said accomptant general for the bank of England, for the time being, shall, in a book or books to be provided and kept for that purpose, give credit on or before the first day of Fuly next, to the said respective contributors, and their respective executors, administrators, and assigns, for the principal fums by them respectively subscribed and paid, and the said additional capital of five pounds per centum by this act allowed

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thereon; and the persons to whose credit such principal sums with the faid additional capital shall be so placed, their respective executors, administrators, and affigns, shall and may have which may be power to affign and transfer the same, or any part, share, or transferred, proportion thereof, to any other person or persons, or body or bodies politick or corporate whatfoever, in other books to be provided and kept by the faid accomptant general for that purpose; and every principal sum so assigned and transferred, and carry 1. shall carry an annuity after the rate of three pounds per centum per cent. inper annum, and shall be taken and deemed to be stock trans- terest. ferrable according to the true intent and meaning of this act, until redemption thereof by parliament, according to a provifo herein after contained for that purpole.

XXXIII. And whereas it is intended that every contributor of the

fum of one hundred pounds, towards railing the said sum of fix millions fix hundred thousand pounds, shall have, and be intitled unto, an additional capital of ten pounds in a lattery ticket; which tickets are to be prepared, and a lottery to be drawn, in manner herein after mentioned; be it therefore further enacted by the authority Managers and

aforesaid, That such persons as the commissioners of his Ma-directors of the lottery to jesty's treasury, or any three or more of them now being, or the be appointed high treasurer, or any three or more of the commissioners of the by the treatreasury for the time being, shall nominate or appoint, shall be sury. managers and directors for preparing and delivering out tickets, and to oversee the drawing of lots, and to order, do, and perform, fuch other matters and things as are hereafter in and by

this act directed and appointed by such managers and directors to be done and performed; and that fuch managers or directors shall meet together from time to time, at some publick office or place for the execution of the powers and trusts in them reposed by this act; and that the said managers or directors, or Method of fo many of them as shall be present at any such meeting, or the the lottery major part of them, thall cause books to be prepared, in which books.

every leaf shall be divided or distinguished into three columns, and upon the innermost of the said three columns there shall be printed fixty fix thousand tickets, to be numbered one, two, three, and to onwards, in an arithmetical progression, where the common excess is to be one, until they rise to and for the number of fixty fix thousand; and upon the middle column in every of the faid books shall be printed fixty fix thousand tickets of the same breadth and form, and numbered in like manner; and in the extreme column of the faid books there shall be printed a third rank or feries of tickets, of the same number with those of the other two columns; which tickets thall feverally be of an oblong figure, and in the faid books thall be joined with ob-

lique lines, flourishes, or devices, in such manner as the faid managers and directors, or the major part of them, shall think most fafe and convenient; and that every ticket in the third or extreme column of the faid books shall have written or printed thereupon (besides the number of such ticket, and the present

year of our Lord Christ) words to this effect: VOL. XXII.

THIS

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THIS ticket will intitle the bearer thereof to fix pounds, or to a better chance, in a joint stock of annuities, after the rate of three pounds per centum per annum, transferrable at the bank of England.

Managers to examine the books of tickets, and deliver them CIS;

taking receipts for them.

Receivers shall cut out, and to the contributors.

Receivers to return the books with the remainder of the tickets.

XXXIV. And it is hereby enacted, That the faid managers and directors, or to many of them as shall be present at such meeting, or the major part of them then present, shall carefully examine all the faid books, with the tickets therein; and take to the receiv- care that the same be contrived, numbered, and made according to the true intent and meaning of this act; and shall deliver or cause to be delivered the same books, and every or any of them, as they shall be examined, to the said cashier or cashiers, taking from fuch cashier or cashiers an acknowledgement in writing, under his or their hands, importing his or their receipt of such book or books, and so many tickets therein, as shall be delivered to him or them respectively; and all and every such cashier or cashiers respectively; is and are hereby directed and deliver tickets required, upon his or their receiving the full confideration-money to be contributed on this act, from any person or persons contributing as aforelaid, to cut out of the faid book or books, so to be put into his or their custody, through the said oblique lines, flourishes, or devices, indentwise, one of the tickets in the said extreme columns; which the said cashier or cashiers shall sign with his or their own name or names, and he or they shall permit the contributor, if it be defired, to write his or her name or mark on the corresponding ticket in the same book; and at the same time the said cashier or cashiers shall deliver to the faid contributor the ticket so cut off, which he, she, or they, are to keep and use for the better ascertaining and securing of the interest which he, she, or they, his, her, or their executors, administrators, or assigns, shall or may have in the faid fund.

XXXV. And be it further enacted by the authority aforesaid, That the said cashier or cashiers, on or before the first day of November, one thousand seven hundred and fifty nine, shall redeliver to the said managers and directors, at their said office or place of meeting, all the faid books, and therein all the tickets which the faid cashier or cashiers shall not have cut out and delivered to the contributors as aforesaid; and that the said managers and directors, or the major part of them, which shall be present at a meeting, as aforesaid, shall forthwith cause all the tickets of the faid outermost columns, which shall not have been delivered to the contributors as aforesaid, if any such be, to be delivered into the receipt of his Majesty's exchequer, there to be retained and kept, and to be disposed of, as the commissioners of his Majesty's treasury, or the high treasurer for the time being, shall judge reasonable and fitting.

XXXVI. And be it further enacted, That the faid managers and directors, or the major part of them, which shall be present to elep and at a meeting as aforefaid, thall cause all the tickets of the middle

Licket: of the unddle columus to be

columns



Anno tricelimo secundo Georgii II. C. 10. 1759.

columns in the books, made out with three columns, as afore-fastened with faid, which shall be delivered back to them, by or from the "Ik; faid cathier or cathiers as aforefaid, to be carefully rolled up and made fast with thread or silk; and the said managers or directors, or the major part of them as aforesaid, shall, in their pre- and cut off fence, and in the presence of such contributors or adventurers as in lentwise will be there, cause all the said tickets, which are to be so rolled marked with up, and made fast as aforesaid, to be cut off indentwise through the letter (A) the said oblique lines, flourishes, or devices, into a box, to be prepared for that purpose, and to be marked with the letter (A) which is presently to be put up into another strong box, and to be locked with seven different locks and keys, to be kept by as Box to be many of the said managers, and sealed with their seals, or the locked up and feals of some of them, until the said tickets are to be drawn, as sealed. is herein after mentioned; and that the tickets in the first or innermost columns of the said books, shall remain still in the books for discovering any mistake or fraud (if any such should happen to be committed) contrary to the true meaning of this

XXXVII. And be it further enacted by the authority aforefaid, That the faid managers and directors, or the major part of Books to be them, which shall be present at any meeting as aforesaid, shall prepared with also prepare, or cause to be prepared, other books, in which on each of every leaf shall be divided or distinguished into two columns; which 60,00> and upon the innermost of those two columns there shall be tickets to be printed fixty fix thousand tickets, and upon the outermost of the printed. faid two columns there shall be printed fixty fix thousand tickets, all which shall be of equal length and breadth, as near as may be; which two columns in the faid books shall be joined with some flourish or device, through which the outermost tickets may be cut off indentwise; and that nine thousand three hundred and forty tickets, part of those to be contained in the outermost columns of the books last mentioned, shall be, and be called the fortunate tickets, to which extraordinary benefits shall belong, as is herein after mentioned; and the faid managers and directors, or the major part of them, or such of them as shall be present at a meeting as aforesaid, shall cause the said fortunate tickets to be written upon, or otherwise expressed, as well in figures as in words at length, in manner following; that is to fay, Upon two of them leverally, twenty thousand pounds The number principal money; upon two of them feverally, five thousand and value of the fortunate pounds principal money; upon two of them feverally, three tickets. thousand pounds principal money; upon two of them severally, two thousand pounds principal money; upon every one of twenty five of them feverally, one thousand pounds principal money; upon every one of thirty of them feverally, five hundred pounds principal money; upon every one of one hundred and fifty of them feverally, one hundred pounds principal money; upon every one of feven hundred of them feverally, fifty pounds principal money; upon every one of eight thousand four hundred and twenty leven of them feverally, twenty pounds principal F. e 2 money:

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5001 to the first drawn ticket, and rooo l. to the lait drawn.

420

Tickets of the outermost rolled up and tied,

and cut out indentwile, into a box marked with the letter (B)

Box to be locked up and sealed.

Publick no. tice to he given of times of putting the tickets into the boxes.

Lottery to begin drawing on 13 Nov. 1759.

obterve in

money: which principal sums, so to be written, or otherwife expressed upon the said fortunate tickets, together with five hundred pounds principal money, to be allowed to the owner of the first drawn ticket, and one thousand pounds principal money, to the owner of the last drawn ticket, over and above the benefits which may happen to belong to the two last mentioned tickets; and together with the fum of fix pounds to be paid or allowed for and upon each blank or unfortunate ticket of the faid lottery, will amount in the whole to the principal fum of fix hundred and fixty thousand pounds; to be converted into annuities by virtue of this act, in respect of the said columns to be lottery; and the faid managers and directors, or the major part of them, who shall be present at a meeting as aforesaid, shall cause all the said tickets, contained in the outermost columns of the faid last mentioned books, to be, in the presence of the faid managers and directors, or the major part of them, which shall be present at a meeting as aforesaid, and in the presence of fuch contributors or adventurers as will then be there, to be carefully rolled up and faitened with thread or filk, and carefully cut out indentwife through the faid flourish or device, into another box, to be prepared for this purpose, and to be marked with the letter (B) which box shall be put into another strong box, and locked up with feven different locks and keys, to be kept by as many of the faid managers, and fealed up with their feals, or the feals of some of them, until these tickets shall also be drawn in the manner and form herein after mentioned; and that the whole business of rolling up, and cutting off, and putting into the faid boxes the faid tickets, and locking up and fealing the said boxes, shall be performed by the said managers and directors, or fuch of them as aforesaid, before the last fix days immediately preceding the day by this act appointed for the drawing the faid lottery: and to the end every person concerned may be well affured that the counterpart of the same number with his or her ticket is put into the box, marked with the letter (A) from whence the same may be drawn, and that other matters are done as hereby directed, some publick notification in print shall be given of the precise time or times of putting the faid tickets into the faid boxes, to the end that fuch adventurers, as shall be minded to see the same done, may be present at the doing thereof.

XXXVIII. And be it further enacted by the authority aforefaid, That on or before the thirteenth day of November, one thousand seven hundred and fifty nine, the faid managers and directors shall cause the said several boxes, with all the tickets therein, to be brought into the guildhall of the city of London, so that the same may be there, and placed on a table ! rovided for that purpose, by nine of the clock in the forenoon of the Method to be fame day, and shall then and there severally attend this service, and cause the two boxes containing the faid tickets, to be sevedrawing, &c. rally taken out of the other two boxes, in which they thall have been locked up; and the tickets or lots in the respective inner-



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most boxes being, in the presence of the said managers and directors, or fuch of them as shall be then present, and of such adventurers as will be there for the satisfaction of themselves, well shaken and mingled in each box distinctly; some one indifferent and fit person, to be appointed and directed by the said managers, or the major part of them, or such of them as shall be then present, shall take out and draw one ticket from the box where the faid numbered tickets shall be as aforesaid put; and one other indifferent and fit person, to be appointed and directed in like manner, shall take out a ticket or lot from the box where the faid nine thousand three hundred and forty fortunate, and fifty fix thousand fix hundred and fixty blank tickets shall be promiscuously put as aforesaid; and immediately both the tickets so drawn shall be opened, and the number, as well of the fortunate as the blank ticket, shall be named aloud; and if the ticket taken or drawn from the box containing the fortunate and blank lots shall appear to be a blank, then the numbered ticket so drawn with the said blank at the same time drawn, shall both be put upon one file; and if the ticket so drawn or taken from the box containing the fortunate and blank lots, shall appear to be one of the fortunate tickets, then the principal fum written upon such fortunate ticket, whatsoever it be, shall be entered by a clerk, which the faid managers, or the major part of them as aforesaid, shall employ and oversee for this purpose, into a book to be kept for entering the numbers coming up with the faid fortunate tickets, and the principal fums whereunto they shall be intitled respectively, and two of the said managers shall set their names as witnesses to such entries; and the said fortunate and numbered tickets so drawn together, shall be put upon another file; and so the said drawing of the tickets shall continue, by taking one ticket at a time out of each box, and with opening, naming aloud, and filing the same, and by entering the fortunate lots in such method as is before mentioned, until the whole number of nine thousand three hundred and forty fortunate tickets, and one more for the last drawn as aforefaid, shall be compleatly drawn; and as the same cannot be After each performed in one day's time, the faid managers or directors shall day sdrawing. cause the boxes to be locked up and sealed in manner as afore- the boxes to faid, and adjourn till the next day, and fo from day to day, and and fealed. every day (except Sundays, Christmas day, and fast days) and then open the same, and proceed as above, till the said whole number of nine thousand three hundred and forty fortunate tickets, and one more, shall be compleatly drawn as aforesaid; and afterwards the faid numbered tickets fo drawn, with the fortunate tickets drawn against the same, shall be and remain in a strong box locked up as aforesaid, and under the custody of the said managers, until they shall take them out to examine, adjust, and fettle the property thereof.

XXXIX. And, to the end the fortunate may know, whether absent or present, to what degree they have been so; be it enacted, That as soon as the drawing is over, the said managers Numbers of

gers Numbers of are the fortunate

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tickets, and the fums, to be printed.

be adjusted by the managers. Penalty of forging tickets or certificates.

are hereby required, as foon as conveniently may be, to cause to

be printed and published the number of the tickets drawn against each fortunate ticket, and the principal fum written on the Disputes relat- same; and if any contention or dispute shall arise in the adjusting thereto, to ing the property of the said fortunate tickets, the major part of the faid managers, agreeing therein, shall determine to whom it doth or ought to belong: and if any person or persons shall forge or counterfeit any ticket or tickets, certificate or certificates, to be made forth by this act, or made forth, or to be made forth, upon any former lottery act, or alter any the numbers thereof, or utter, vend, barter, or dispose of, or offer to dispose of, any false, altered, forged, or counterfeit ticket or tickets, certificate or certificates, or shall bring any forged or counterfeit ticket or certificate, or any ticket or certificate the number whereof is altered (knowing the same to be such) to the said managers, or any of them, or to the cashier or accomptant general of the bank of England for the time being, or to any other person or persons whatfoever, to the intent to defraud his Majesty, or any contributor or adventurer, or the executors, administrators, and affigns, of any contributor or adventurer upon this act; that then every fuch person or persons, being thereof convicted in due form of law, shall be adjudged a felon, and shall suffer death as in cases of felony, without benefit of clergy: and the said managers or directors, or any two or more of them, are hereby authorized, required, and impowered, to cause any person or persons bringing or uttering such forged or counterfeit ticket or tickets, certificate or certificates as aforesaid, to be apprehended, and to commit him, her, or them, to his Majesty's gaol of Newgate, or to the common gaol of the county or place where fuch person or persons shall be so apprehended, to be proceeded against for the said felony according to law.

Felony.

XL. Provided always, and it is hereby enacted by the autho-Managers to rity aforesaid, That every person that shall be appointed as aforefaid to be a manager and director for putting this act in execution, before his acting in such commission, shall take the oath

following; that is to fay,

be fworn.

The oath.

I A. B. do swear, That I will faithfully execute the trust reposed in me; and that I will not use any indirect art or means, or permit or direct any person to use any indirect art or means, to obtain a prize or fortunate lot, for myself, or any other person what soever; and that I will do the utmost of my endeavour to prevent any undue or sinister practice to be done by any person what soever; and that I will, to the best of my judgment, declare to whom any prize, lot, or ticket, of right does belong, according to the true intent and meaning of the all of parliament made in the thirty second year of his Majesty's reign in that behalf.

Which said oath shall and may be administered by any two or more of the other managers and directors.



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XLI. Provided also, and it is hereby enacted by the authority Managers, &c. aforesaid, That out of the monies to arise by and out of any of the to be paid by supplies granted in this session of parliament, it shall and may sioners of the be lawful to and for any three or more of the commissioners of the be lawful to and for any three or more of the commissioners of treasury out the treasury, or the high treasurer for the time being, to reward of the lottery the faid managers and directors, and the clerks and officers to money. be employed by and under them, and any other officers and persons that shall and may be any ways employed in this affair, for their labour and pains, and to discharge such incident expences as shall necessarily attend the execution of this act, in such manner as any three or more of the commissioners of the treasury, or the high treasurer for the time being, shall, from time to time, think fit and reasonable in that behalf; any thing in this

act contained to the contrary notwithitanding.

XLII. And be it further enacted by the authority aforesaid, Limitation That no person or persons shall sell the chance or chances of of sale of any ticket or tickets in the faid lottery, or any share or shares of chances, &c. any ticket or tickets in the faid lottery, for a day, or part of a day, or for a longer time less than the whole time of drawing the lottery then to come; or shall receive any money whatsoever in consideration of the repayment of any sum or sums of money, in case any ticket or tickets in the said lottery shall prove fortunate; or shall lay any wager relating to the drawing of any ticket or tickets in the faid lottery, either as to the time of fuch ticket or tickets being drawn, or whether fuch ticket or tickets be drawn fortunate or unfortunate; and all and every Penalty. person and persons who shall offend in any of the aforesaid matters, shall forfeit and pay treble the sum and sums of money which shall have been received by such person and persons, contrary to the true intent and meaning of this act; to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at Westminster; in which no essoin, protection, privilege, or wager of law, or more than one imparlance shall be allowed; one moiety whereof to be for the use of his Majesty, his heirs, or successors, and the other moiety to be paid to the person or persons who shall sue for the same; and every fuch fale, wager, or contract, and every agreement relating thereto, shall be, and is hereby declared null and void.

XLIII. And be it further enacted by the authority aforesaid, Persons selling That if any person or persons shall keep any office or offices, or shares in tickshall print or publish any scheme or proposal, for receiving any ets of which fum or sums of money in consideration of any interest to be they are not granted for the same, in any ticket or tickets in the said lottery, possessed, whereof fuch person or persons shall not then be actually posfessed, or in consideration of any sum or sums of money to be repaid in case any ticket, or number of tickets, in the said lottery, which shall not be in the actual possession of such person or persons, shall prove fortunate or unfortunate; all and every such person and persons shall forfeit and pay the sum of five hun- to forfeit sool. dred pounds; to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at IVest-

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minster; in which no essoin, protection, or wager of law, or more than one imparlance, shall be allowed; one moiety whereof to be for the use of his Majesty, his heirs, or successors, and the other moiety to be paid to the person or persons who shall fue for the same; and also shall suffer three months imprisonment without bail or mainprize.

Offences committed in Ireland against acts for preventing unlawful lotteries, declared to be punishable, and may be fued for in Dublin.

XLIV. And be it further enacted by the authority aforesaid, That if any offence against any of the acts of parliament made in this kingdom, for preventing private and unlawful lotteries, shall be committed in Ireland, the offender shall incur the like penalty and punishment, to be inflicted in like manner as if the offence was committed in this kingdom; and that such penalties as, by any of the faid acts, are directed to be recovered in any of his Majesty's courts of record at Westminster, shall, in case of offences committed against any of the said acts in Ireland, be recovered in any of his Majesty's courts of record in Dublin.

After the drawing of the lottery, the tickets to be exchanged for certincates.

XLV. And to the end that all and every the payments, as well upon the fortunate as upon the unfortunate tickets, may be more easily ascertained, settled, and adjusted, for the persons who shall be and become intitled thereunto; be it further enacted by the authority aforesaid, That as soon as conveniently may be after the drawing of the faid lottery shall be completed and ended, all and every the faid tickets, to be given out as aforefaid, shall be exchanged for certificates to be signed by such of the faid managers as shall be appointed for that purpose.

Managers to give notice of the time for taking in the tickets, and the certificates, &c.

XLVI. And be it further enacted, That fuch of the faid managers, as any three or more of the commissioners of the treafury, or the high treasurer for the time being, shall appoint to take in the faid tickets, and deliver out the faid certificates for delivering out and in lieu thereof, shall give timely notice, by advertisement to be printed and published in manner as they shall think fit, of the days and times for taking in the faid tickets, and delivering out the said certificates, for and in lieu of the same; and every person's certificate shall be numbered in course, according to their bringing their tickets to the managers so to be appointed for exchanging the same; to which purpose, such managers shall enter, or cause to be entered, into a book or books to be by them kept for that purpose, the name of every person who shall bring any ticket or tickets to be exchanged for fuch certificate or certificates, and the number or numbers of the ticket or tickets which shall be so brought by such person or persons, the value in principal money payable thereupon, and the day of the month, and the year of our Lord, when the same was so brought, which book and books shall lie open in the office to be appointed for taking in the faid tickets to be exchanged for fuch certificates, for all persons concerned to peruse; all which certificates shall be figned by the managers so to be appointed, or the major part of them, and be directed to the accomptant general of the bank of England for the time being.

Books to be kept for entering persons names,

and the number of their nckets, &c.

Certificates to be figued, &c.

XLVII. And be it further enacted by the authority aforesaid,



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That the faid accomptant general of the bank of England for the time being, to whom the faid certificates are to be directed as aforesaid, shall, upon receiving and taking in the said certificates, or any of them, give credit to the persons named therein, in a Accountant book or books to be by him provided and kept for that purpose, general to for the principal sums contained in every such certificate; and the principal the persons to whose credit such principal sums shall be entered sums in the in the faid book or books, his, her, or their executors, and ad-certificates. ministrators, shall and may have power to assign or transer the Assignments fame, or any part, share, or proportion thereof, to any other of the said person or persons, bodies politick or corporate whatsoever, in sums, &e. other books to be prepared and kept by the faid accomptant general for that purpose; and the principal sums so assigned or transferred, shall carry the faid annuity of three pounds per centum per annum, and shall be taken and deemed to be stock transferrable by this act, according to the powers and authorities herein after mentioned, until the redemption thereof as aforesaid; and the said accomptant general of the bank of England Certificates to for the time being, is hereby authorized and directed to cancel be filed and and file the certificates, as they shall from time to time be re-cancelled, and ceived and taken in by him, and to give the persons bringing given in lieu in the same a note under his hand, testifying the principal money thereof. for which they shall have credit in the said book or books, by reason or means of the certificates so received, taken in, and cancelled as aforesaid, and of the annuities attending the same.

XLVIII. And for the more easy and sure payment of the Said A chief catransferrable annuities after the rate of three pounds per centum thier, and acper annum; be it further enacted by the authority aforesaid, comptant ge-That the faid governor and company of the bank of England, neral, to be and their successors, shall, from time to time, until the said an appointed by nuities, after the rate of three pounds per centum per annum, shall paying the be redeemed as aicrefaid, appoint and employ one or more fuf- annuities. ficient person or persons within their office in the city of London, to be their chief or first cashier or cashiers, and one other sufficient person within the same office, to be their accomptant general; and that so much of the monies from time to time aris- Treasury to ing into the laid receipt of exchequer, from the faid subsidies, iffue money rates, and duties, by this act granted and appropriated, as shall for that purbe sufficient from time to time for payment of the said annuities, pose to the after the rate of three pounds per centum per annum, shall, by or- said cathier, der of the commissioners of the treasury, or any three or more of them, or the lord high treasurer for the time being, without any further or other warrant, to be fued for, had, and obtained, in that behalf, from time to time, at the respective half-yearly days of payment in this act appointed for payment thereof, be iffued and paid at the faid receipt of exchequer, to the faid first or chief cashier or cashiers of the said governor and company of the bank of England, and their successors, for the time being, by way of imprest, and upon account, for the payment of the faid annuities after the rate of three pounds per centum per annum, at fuch times, and in fuch manner and form, as are by this

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who is to ac. act prescribed in that behalf; and that such cashier or cashiers count for the to whom the said money shall, from time to time, be issued, shall, from time to time, without delay, apply and pay the same accordingly, and render his or their account thereof, according to the due course of the exchequer.

Accomptant amine the receipts and payments of the cathier. Annuities deemed a perfonal estate, &c.

XLIX. And be it further enacted by the authority aforelaid, general to ex- That the said accomptant general for the time being shall, from time to time, inspect and examine all receipts and payments of the faid cashier or cashiers, and the vouchers relating thereto, in order to prevent any fraud, negligence, or delay; and that all persons who shall be intitled to any of the said annuities, after the rate of three pounds per centum per annum, and all persons lawfully claiming under them, shall be possessed thereof as of a personal estate, which shall not be descendible to heirs, nor liable to any foreign attachment by the custom of Landon, or otherwife; any law, statute, or custom, to the contrary notwithstanding.

Annuities Hock;

L. And be it further enacted by the authority aforesaid, That deemed a joint all the monies to be advanced or contributed by virtue of this act towards the faid fum of fix millions fix hundred thousand pounds, on which the said annuities, after the rate of three pounds per centum per annum, shall be attending, shall be deemed one capital and joint stock; and that all persons and corporations whatfoever, in proportion to the monies by them feverally advanced for the purchase of the said annuities, after the rate of three pounds per centum per annum, or to which they shall become intitled by virtue of this act, shall have, and be deemed to have, a proportional interest and share in the said stock, and in the said annuities attending the same, at the rate aforefaid; and that the faid whole capital or joint stock, or any share or interest therein, shall be assignable and transferrable as this act directs, and not otherwise.

and made transterrable.

Claufe of redemption.

LI. Provided also, and it is hereby enacted by the authority aforesaid, That at any time upon six months notice to be printed in the London Gazette, and fixed upon the Royal Exchange in London, and upon repayment by parliament of the faid fum of fix millions fix hundred thousand pounds, or any part thereof, by payments not less than five hundred thousand pounds at one time, in such manner as shall be directed by any future act or acts of parliament in that behalf, and also upon full payment of all arrearages of the said annuities, after the rate of three pounds per centum per annum; then, and not till then, such and so much of the said annuities as shall be attending on the principal sums so paid off, shall cease and determine, and be understood to be redeemed; and that any vote or resolution of the house of commons, signified by the speaker in writing, to be inserted in the London Gazette, and affixed on the Royal Exchange in London as aforesaid, shall be deemed and adjudged to be sufficient notice within the words and meaning of this act.

LIL And be it further enacted by the authority aforesaid,

That



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That books shall be constantly kept by the faid accomptant ge- Transfer neral for the time being, wherein all affignments or transfers of books to be the faid annuities, after the rate of three pounds per centum per kept by the annum, shall at all seasonable times, be entered and registered; accomptant which entry shall be conceived in proper words for that purpose, Method of and shall be signed by the parties making such assignments or transferring transfers; or if such parties be absent, by their respective attor-stock. nies thereunto lawfully authorized in writing under their hands and feals, to be attefted by two or more credible witneffes; and that the several persons to whom such transfers shall be made, shall respectively underwrite their acceptance thereof; and that no other method of affigning and transferring the faid annuities, or any part thereof, or any interest therein, shall be good or available in law.

LIII. Provided always, That all persons possessed of any share Annuities doin the faid joint stock of annuities, or estate and interest therein, viseable by will. may devise the same by will in writing, attested by two or more credible witnesses; but that no payment shall be made upon any Entry to be fuch devise, till so much of the said will as relates to any share, made of such estate, or interest, in the said joint stock of annuities, be entered clause in the in the said office; and that in default of such transfer or devise, will. fuch thare, estate, or interest, in the said joint stock of annuities, shall go to the executors or administrators; and that no stamp Transfer not duties whatfoever shall be charged on any of the said transfers; liable to stamp

any law or statute to the contrary notwithstanding.

LIV. Provided always, and be it enacted by the authority Treasury to aforesaid, That out of the monies arising from the contributions pay all incitowards raising the said sum of six millions six hundred thousand dent charges pounds, any three or more of the commissioners of the treasury, execution of or the high treasurer for the time being, shall have power to this act; discharge all such incident charges as shall necessarily attend the execution of this act, in such manner as to them shall seem just and reasonable; and also to settle and appoint such allowances as shall be thought proper, for the service, pains, and labour, of the faid cashier or cashiers, for receiving, paying, and accounting for the faid contributions; and also shall have power to make and to make out of the fund hereby established, or out of the finking fund, an allowance, to the cashier, fuch further allowances as shall be judged reasonable, for the and accomptfervice, pains, and labour of the faid cashier or cashiers, for re- ant general; ceiving, paying, and accounting for the said annuities, after the rate of three pounds per centum per annum, payable by virtue of this act; and also for the service, pains, and labour of the faid accomptant general, for performing the trust reposed in him by this act; all which allowances to be made as aforesaid in re- to be at the fpect to the service, pains, and labour of any officer or officers of disposal of the the faid governor and company, shall be for the use and bene- governor and fit of the said governor and company, and at their disposal company of the bank. only.

LV. Provided always, and be it further enacted by the au- Bank to conthority aforesaid, That the said governor and company of the tinue a corpobank of England, and their successors, notwithstanding the re- ration till these

demp- redcemed, &c.

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> demption of all or any of their own funds, in pursuance of the acts for establishing the same, or any of them, shall continue a corporation till all the faid annuities, after the rate of three pounds per centum per annum, by this act granted, shall be redeemed by parliament, according to the proviso herein before contained in that behalf; and that the faid governor and company of the bank of England, or any member thereof, shall not incur any disability for or by reason of their doing any matter or thing in pursuance of this act.

LVI. And be it further enacted, That no fee, reward, or

gratuity whatsoever, shall be demanded or taken of any of his

Majesty's subjects, for receiving or paying the said contribution

No fee for payment of contribution money.

Penalty.

monies, or any of them, or for paying the faid several annuities, or any of them, or for any transfer of any fum great or finall, to be made in pursuance of this act, upon pain that any offender or person offending, by taking or demanding any such fee, reward, or gratuity, shall forfeit the sum of twenty pounds to the party aggrieved, with full costs of fuit; and that all receipts and issues, and all other things directed by this act to be performed in the exchequer, shall be done or performed by the officer there, without demanding or receiving, directly or indirectly, any fee, reward, or gratuity for the same; and in case the officers of the exchequer shall take or demand any such fee or reward, or shall misapply or divert any of the monies to be paid into the exchequer upon this act, or shall pay or issue out of the same, otherwise than according to the true intent of this act, or shall not keep such books, registers, or make entries, and do and perform all things which by this act they are directed and required to do and perform, every such offender shall forfeit his place, and be for ever after incapable of any office or place of trust whatsoever, and shall answer and pay treble costs of suit to any contributor or person claiming under him that will sue for the same, to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at Westminster, wherein no essoin, protection, privilege, or wager of law, injunction, or order of restraint, or any more than one imparlance shall be granted or allowed; and in the said action the plaintiff, upon recovery, shall have full costs of fuit; one third

to be made good.

ther two thirds shall be to and for the use of the prosecutor. LVII. And it is hereby enacted by the authority aforesaid, Deficiencies of That if at any time or times it shall happen that the produce of quer, &c. how the faid several subsidies, rates, and duties, hereby granted, for payment of the faid several annuities, shall not be sufficient to pay and discharge the several and respective annuities and other charges directed to be paid thereout, at the end if any or either of the respective half-yearly days of payment, at which the same are hereby directed to be paid, then, and so often, and in every fuch case, such deficiency or deficiencies shall and may be supplied out of any of the monies which at any time or times shall

of which sum shall be paid into the said receipt of exchequer, for the benefit of his Majesty, his heirs, and successors, and the o-

Anno tricesimo secundo Georgii II. C. 11. 1759-]

be or remain in the receipt of the exchequer, of the surplusses, excesses, overplus monies, and other revenues, composing the fund commonly cailed The finking fund (except such monies of the faid finking fund as are appropriated to any particular use or uses, by any former act or acts of parliament in that behalf) and fuch monies of the faid finking fund, shall and may be, from time to time, iffued and applied accordingly; and if at any time or times, before any monies of the several subsidies, rates, and duties hereby granted thall be brought into the exchequer as aforelaid, there shall happen to be a want of money for paying the several annuities as aforesaid, which shall be actually incurred and grown due at any of the half-yearly days of payments before-mentioned, that then, and in every such case, the money fo wanted shall and may be supplied out of the monies of the finking fund (except as before excepted) and be issued accordingly.

LVIII. Provided always, and be it enacted by the authority Sinking fund aforesaid, That whatever monies thall be issued out of the sink- to be replaced. ing fund, shall, from time to time be replaced, by and out of

the first supplies to be then after granted in parliament.

LIX. Provided always, and be it enacted by the authority Surplus mo-aforesaid, That in case there shall be any surplus or remainder he applied. of the monies arising by the said several subsidies, rates, and duties, after the faid feveral and respective annuities, and all arrears thereof, are fatisfied, or money sufficient shall be reserved for that purpose, such overplus or remainder shall, from time to time be referred for the disposition of parliament, and shall not be issued but by the authority of parliament, and as shall be directed by future act or acts of parliament, any thing in any former or other act or acts of parliament to the contrary notwithstanding.

LX. And it is hereby enacted by the authority aforefaid, That if any person or persons shall, at any time or times, be fued or profecuted for any thing by him or them done or executed in pursuance of this act, or of any matter or thing in this act contained, such person or persons shall and may plead the general issue, and give the special matter in evidence for his General issue. or their defence: and if, upon trial, a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs chall become nonfuited, then such defendant or defendants shall have treble costs to him or them awarded against such plaintiff or Treble costs. plaintiffs.

CAP. XI.

An all to permit the free importation of cattle from Ireland for a limited time.

WHEREAS the permitting the free importation of cattle into Preamble.

Great Britain from Ireland for a limited time, may be of great advantage to both kingdoms; be it therefore enacted by the King's most excellent Majesty, by and with the advice and confent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same,



Anno tricesimo secundo GEORGII II. C. 12. 1759-

Free importation of all forts of cattle from Ireland, allowed for 5 years, from 1 May, 1759; duty tree.

That from and after the first day of May, one thousand seven hundred and fifty nine, the free importation of all forts of cattle into this kingdom from Ireland, shall be, and is hereby permitted, allowed, and authorized, for and during the space of five years from the faid first day of May, or at any time thereafter before the end of the then next session of parliament; and that all persons shall be, and are hereby exempted, freed, and disthe same to be charged, from the payment of all subsidies, customs, rates, duties, or other impolitions, and also from all penalties, forfeitures, payments, and punishments, for or upon account of importing or bringing cattle into this kingdom from Ireland, during the term aforesaid; any act or acts of parliament to the contrary notwithstanding.

Limitation of actions.

General issue.

II. And be it further enacted by the authority aforesaid, That if any action or fuit shall be commenced against any person or persons for any thing done in pursuance of this act, the defendant or defendants in any such action or suit, may plead the general issue, and give this act, and the special matter in evidence, at any trial to be had thereupon; and that the same was done in pursuance and by the authority of this act; and if it shall appear so to have been done, the jury shall find for the defendant or defendants, and if the plaintiff shall be nonsuited or discontinue his action after the defendant or defendants shall have appeared; or if judgment shall be given upon any verdict or demurrer against the plaintiff, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same, as

any defendant or defendants hath or have in other cases by law. CAP. XII.

Treble cofts.

An all to discontinue, for a limited time, the duties payable upon tallow imported from Ireland.

Preamble.

WHEREAS the allowing, for a limited time, the free importation of tallow from Ireland, may tend to the ease of the publick, and advantage of the revenue, by reducing the price, and encouraging the consumption of candles in this kingdom; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of May, one thousand seven hundred and fifty nine, no subtidy, custom, rate, duty, or other imposition whatsoever, shall be demanded, collected, received, or taken, upon any tallow un-manufactured into candles or foap, which shall be imported into this kingdom from Ireland; but that all fuch tallow shall and may be imported duty free for the space of five years, from the faid first day of May, one thousand seven hundred and fifty nine, or at any time thereafter before the end of the then next fellion of parliament; any former law, statute, or act or acts of parliament, to the contrary notwithstanding.

Free importation of tallow allowed for 5 years, from # May, 1759.

II. Provided always, and be it further enacted by the authority aforefaid, That a due entry shall be made of all such tallow Entry to be made thereof; at the cuffom-house belonging to the post into which the same

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Anno tricelimo secundo Georgii II. C. 13, 14.

shall be imported, in such manner and form, and expressing the quantities of fuch tallow, as were used and practised before the making of this act; and fuch fallow shall be landed in the pre- and the same fence of the proper officer or officers of the customs appointed to be landed for that purpose; and if any person or persons upon the impor- in the present tation of any tallow from Ireland, shall not observe and perform the faid conditions and directions herein before mentioned, every Penalty. fuch person shall be liable to, and pay such and the same duties, as fuch tallow would have been liable to if this act had not been made; any thing in this act contained to the contrary notwith-

standing.

III. And be it further enacted by the authority aforesaid, That Limitation of if any action or fuit shall be commenced against any person or actions. persons for any thing done in pursuance of this act, the defendant or defendants in any fuch action or fuit, may plead the gene- General iffue ral issue, and give this act, and the special matter in evidence, at any trial to be had thereupon; and that the fame was done in pursuance and by the authority of this act; and if it shall appear so to have been done, the jury shall find for the defendant or defendants; and if the plaintiff shall be nonsuited, or discontinue his action, after the defendant or defendants shall have appeared; or if judgment shall be given upon any verdict or demurrer against the plaintiff, the defendant or defendants shall and may recover treble costs, and have the like remedy for the Treble costs. same, as any defendant or defendants hath or have in other cases by law.

CAP. XIII.

An act for draining and preserving certain fen lands and low grounds in the parishes of Somersham, and Pidley with Fenton, and the parish of Colne, in the county of Huntingdon.

CAP. XIV.

An att for the more regular and easy collecting, accounting for, and paying, of post fines, which thall be due to the crown, or to grantees thereof under the crown; and for the ease of sheriffs in respect to the same.

THEREAS great trouble and expence arise in the execution Preamble. of the office of sheriff, by the present method of collecting, accounting for, and paying, of post fines, which become due to the crown. or to grantees or proprietors thereof under the crown, by reason that the persons from whom such post fines are due, are frequently unknown to the sheriff, and reside out of his county; and the parishes, towns, precines, or places, in which the lands lie, whereof the fine was levied, are frequently misnamed, whereby the sheriff is unable to find out the same: and for a much as the sheriff of every county, on the passing his accounts, is obliged to pay to the crown, before he can obtain his quietas, the several and respective post fines charged upon him, many of which he is never able to collect in and receive, to his manifest loss and detriment; for remedy whereof, and for the case of sheriffs in the execution of their office, may it please your Majesty that it may

The post fine to be indorfed on the back of the writ, by is to let the prefine, together with his name, or mark of office;

both fines to be paid together to the receiver of the prefines at the alienation office, with 4d. for his fee, instead of the fine granted

dorfe on the back of the and fum received.

Clerk of the filver office to enter and mark the fines.

Fines not vaand mark'd with the post fine.

be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That on all and every writ or writs of covenant which, from and after the first day of Trinity term, one thousand seven hundred and fifty nine, shall be fued out for the passing of fines in his Majesty's court of Common the officer who Pleas at Westminster, the officer or officers, whose duty it is to set and indorfe the prefine payable thereon, shall also at the same time, fet the usual post fine, and indorse the same on the back of the faid writ or writs, together with his or their name or names, or mark of office thereto, in the like manner as the same are now indorfed or stampt at the office called The King's silver office; which faid post fine or post fines shall be forthwith paid to the receiver of prefines at the alienation office, for the time being, together with the fum of four pence, as his fee for receiving the fame, instead, and in lieu, of the fee of four pence charged on lands, tenements, and hereditaments, and payable to theriffs, bailiffs, and others, on discharging the same, by virtue of the act of the third year of his late majesty King George the First, intituled, An act for the better regulating the office of sheriffs; and for asby as 3 Geo. 1. certaining their fees, and the fees for Juing out their patents and paffing their accounts; which said fee of four pence, by the said act granted, from and after the faid first day of Trinity term, one thousand seven hundred and fifty nine, shall cease and determine; and fuch receiver shall indorse upon the back of every such writ Receiver to in- or writs of covenant, one particular or certain mark of office, in like manner as is now used by him on the receipt of prefines at writ, his mark the alienation office, together with the name of fuch receiver, of office, name, and the fum of money which shall be by him received as the post fine due thereon; which mark and indorfement of fuch receiver, shall discharge the manors, lands, tenements, rents, commons, and hereditaments, comprised in the faid writ or writs of covenant, and the cognizee or cognizees named therein.

II. And be it further enacted by the authority aforesaid, That the officer or clerk of the King's filver office, or his deputy, from and after the faid first day of Trinity term, one thousand seven hundred and fifty nine, shall continue to enter every such fine or fines upon record, in the way hitherto used in the passing of fines, and make thereof the same entries, and shall put thereon the fame indorfements, with the same stamp or mark, and in the like manner, as has hitherto been the constant usage and practice of the faid office in passing of fines; and that no fine, until the liduntilftampt fame shall be stamped and marked with the sum to which the post fine amounts as aforesaid in the said King's silver office,

shall be deemed a fine valid and effectual in law.

III. And whereas no prefine is payable on any writ of covenant where the lands and tenements contained therein are under the yearly value of five marks; but a certain from of fix shillings and eight pence bath been antiently 1st and payable to the voten on every fuch writ of covenant, as and for the king's licence being granted to the parties in



Anno tricesimo secundo Georgii II. c. 14.

fuch writ of covenant named to accord; be it therefore further enacted by the authority aforesaid, That from and after the said Where no pre-first day of Trinity term, in all cases where no prefine shall be on the writ, payable on any writ of covenant, the officer or officers at the faid the officer at alienation office, whose duty it is to set and indorse the prefine on the alienation on every writ of covenant brought to the faid alienation office a post fine of on every writ of covenant brought to the faid alienation office, 6s. 8d. thereon which no prefine shall be payable, a post fine of six shillings on, and eight pence, as hath been antiently usually put, at the said King's filver office, on every writ of covenant on which no prefine was payable; and shall indorse such post fine of six shillings and and indorse eight pence on every such writ of covenant, together with his the same, with or their name or names, and mark of office, in the like manner his name and as it hath been usual to indorse such writs of covenant at the faid mark of office. alienation office; and every fuch post fine of six shillings and The said sum eight pence, shall be paid to the said receiver of the said aliena- of 6s. 8d. to tion office, before the writ of covenant on which no prefine is be paid before payable shall be passed at the said alienation office; and the said the alienation receiver, on payment of the faid fix thillings and eight pence, office. shall indorse on and mark every such writ of covenant, in like Receivertoinmanner as other writs of covenant are by this act before directed dorse his name to be indorfed and marked by fuch faid receiver.

IV. And be it further enacted by the authority aforesaid, Clerk of the That the officer of clerk of the King's filver office, or his depu- filver office to ty, from and after the faid first day of Trinity term, one thousand receive no feven hundred and fifty nine, shall not receive any writ or writs writ where of covenant, unless it thall appear by the mark and indorfement has not been of fuch receiver as aforesaid, that the post fine has been paid paid.

thereon.

V. Provided nevertheless, That if after the payment of fuch If the writ post fine or post fines as aforesaid, the said writ or writs of co- shall be prevenant shall, by the death of any of the parties named therein, vented from or for any other cause whatsoever, be prevented or hindered passing the sefrom passing through the several other offices, so as the said fine the receiver to or fines is or are not, or cannot be, compleated; that then, and repay the post in every such case, the said receiver shall repay to the cognizee fine to the or cognizees, in every fuch writ or writs of covenant, his, her, cognizee. or their attorney or agent, on their producing and filing with him the faid writ or writs of covenant, all and every such fum and fums of money as shall have been before by him received thereon as and for the post fine or post fines; and such writ or writs of covenant to remaining filed with fuch receiver, shall be, and is hereby declared to be a sufficient discharge to such receiver, for such sum or sums of money as he shall so repay as atoresaid.

VI. And be it further enacted by the authority aforesaid, cognizance, That every such receiver as aforesaid, before he takes upon him with sureties, the execution of his faid office, thall enter into a recognizance for the faithful before one of the barons of his Majetty's court of exchequer, to his office, and his Majesty, his heirs, and successors, with one or more making due furety or fureties, as shall be thought proper by such baron, in payments of Vor. XXII.

and mark the the writ.

Receiver to the the monies received by him.



Anno tricesimo secundo Georgii II. C. 14:

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the penal sum of five thousand pounds, conditioned for the due and faithful execution of the faid office, and to pay unto every respective sheriff of every county, city, and town in England, having a sheriff or sheriffs, or his under sheriff or lawful attorney, on his or their producing to such receiver, his clerk or agent, at his publick office, the quietus of the sheriff for whom payment is required, the fum total of the post fines which shall be contained in such respective quietus, and wherewith such sheriff shall have been charged in his account in the exchequer; and also to pay unto all and every the lords of liberties, proprietors, or grantees, of post fines under the crown, or to their lawful bailiffs or attorney, upon their producing respectively unto the said receiver, his clerk or agent, at his publick office, the respective schedules of the foreign apposer, or clerk of the estreats of the laid court of exchequer, the leveral and respective sums of money in such schedules contained, and set over as post fines to such lords, proprietors, or grantees respectively; which said surety or fureties, shall respectively justify him or herself, before the baron taking such recognizance, to be worth the sum of two thousand five hundred pounds, over and besides all just debts and incumbrances; and every such recognizance shall, with all convenient speed, after the taking thereof, be transmitted by the baron who mitted to, and shall take the same to the King's remembrancer of the court of exchequer, there to be filed and remain on record; and fuch recourtofexche- ceiver, and his said sureties, shall in all cases be respectively liable to the amount of such penal sum, to make satisfaction to each respective theriff, and also to the respective lords of liberties, in the penalty proprietors, or grantees, for all and every post fine and post fines which shall be received by such receiver, his deputy or agent, on any fine levied of any lands, tenements, rents, or hereditaments, within their respective sheriffwicks or liberties; and in proprietors, or case of the death or insolvency of any of the said sureties, at any time after the entering into such recognizance as aforesaid, then one or more furety or fureties in the room or place of him, her, or them, so dying or becoming insolvent as aforesaid, shall, within the space of one month then next, enter into such recogty, a new one nizance as the faid furety or furetics so dying or becoming into be provided solvent had entered into, and justify himself, herself, or themselves, in like manner as is before directed in this act; in default of which the said office shall immediately cease, determine, and be

Recognizance to be trans-

Sureties to

felves.

justify them-

filed in, the quer. Receiver and furcties liable. of the recogzance, to the theriff, lords of liberties, grantees, for the post fines received. On the death, &c. of a lure-

Time of reand delivery of the writs.

month.

utterly void. VII. And be it further enacted by the authority aforesaid, ceiver's atten- That from and after the faid first day of Trinity term, every such dance at office, receiver, his clerk or agent, shall daily (Sundays and holidays excepted) attend at the said alienation office, from nine of the clock in the morning, till one of the clock in the afternoon, and shall deliver back every such writ of covenant as aforefaid, when the same shall be called for at the said alienation office, during the office hours herein before appointed for such receiver's attendance at the faid office, within two days after every fuch port fine shall be paid thereon respectively, unless the last of the said



Anno tricesimo secundo Georgii II. C. 14. 1759.] two days shall happen to be a Sunday or holiday, and then on

the next fucceeding day.

VIII. And be it enacted by the authority aforesaid, That Receiver to every fuch receiver as aforesaid shall pay unto every theriff of any pay the post of the counties, cities, or towns of England, his under sheriff or fines to the lawful attorney, on his producing his quietus, the several and re-sheriff, on pro-spective sums of money in the said quietus mentioned to have ducing his peen by him accounted for in the receipt of his Majestu's exchanguietus, been by him accounted for in the receipt of his Majesty's exchequer, on the paffing of his accounts as and for post fines of his Majesty's court of Common Pleas at Westminster; and also in like and to the manner pay unto all and every lords of liberties, proprietors, or lords of libergrantees, under the crown, of such post fines, or his or their bai- ties, proprieliff or lawful attorney, upon their producing the schedules of the tees, on proforeign appoler, or clerk of the estreats of the said court of exche-ducing the quer, the feveral and respective sums of money in the said sche-schedules of dules fet and allowed to them as post fines; the said receiver de- the foreign ducting and retaining to himself, out of every twenty skillings apposer. ducting and retaining to himself, out of every twenty shillings Receiver to which he shall so pay, the sum of six pence only, for his trouble deduct 6d. in and attendance on the due execution of this act, and so in pro- the pound, and portion for any greater or less sum, and which he is hereby au- no more, of thorized and impowered to deduct and retain to his own use; by him. but neither the faid receiver, nor any other person or persons whatsoever, for his or their attendance on such receiver, shall charge or be allowed any fee or reward for or on the account of doing any thing by this act directed, except the faid fees to fuch receiver in this act particularly mentioned and expressed.

IX. And be it further enacted by the authority aforesaid, Penalty of That if any person or persons from and after the said first day of forging the Trinity term, one thousand seven hundred and fifty nine, shall receiver's hund or mark. make, forge, or counterfeit, or cause or procure to be made, forged, or counterfeited, the mark or hand of fuch receiver as aforefaid, whereby fuch receiver, or any other person or persons, shall or may be defrauded, or suffer any loss thereby; every person or persons convicted of such offence, shall be deemed guilty of felony, and shall suffer death as a felon without benefit

of clergy.

X. And be it also enacted by the authority aforesaid, That Receiver made every such receiver refusing or neglecting to pay such post fines subject to the to the faid respective theriffs, lords of liberties, proprietors, or order of the grantees under the crown, or their lawful attornies or bailiffs, court, for not thall be subject to such order as the barens of the feid court of paying the shall be subject to such order as the barons of the said court of post fines; exchequer of the degree of the coir shall make for the payment of the fame; and the faid receiver, and every person or persons and being who shall be guilty of any wilful default, extortion, or misde- guilty of any meanor, contrary to the true intent and meaning of this act, shall mildemeanor, forfeit and pay to the party aggrieved treble damages with full ble damages. costs, which shall and may be ordered and awarded by the barons of the court of Exchequer, upon application made to, and on due proof thereof made before them, in such summary way and method as to them shall seem meet; provided every such application Limitation of or profecution be made within the space of two years next after profecutions.

F f 2

Orders of the court inforced.

Operation of fines in the court of Common Pleas, not altered by this act.

Publick act.

Anno tricesimo secundo GEORGII II. C. 15. 1759.

any fuch offence shall have been committed, and not otherwise; and fuch orders of the faid court of exchequer, lo to be made as aforesaid, shall have the same force, virtue, and effect, and the observance thereof shall be inforced by such ways and means, as any other orders of the same court.

XI. Provided always, and be it enacted by the authority aforesaid, That this act shall not any way alter the operation of any fine which after the faid first day of Trinity term, one thousand feven hundred and fifty nine, shall be levied in the court of Common Pleas at Westminster, or the course of passing fines in that court, otherwise than in and by this act directed.

XII. And be it further enacted by the authority aforesaid, That this act shall be deemed and taken to be a publick act; and shall be judicially taken notice of as such, by all judges, justices, and other persons whatsoever, without specially pleading the lame.

CAP. XV.

An all for the better preservation of the turnpike roads in that part of Great Britain called Scotland.

Preamble.

Additional toll of 5s. per horse to be laid on all waggons, &c. or more horses in Scotland.

WHEREAS great sums of money have been expended in amending and repairing the turnpike roads in that part of Great Britain called Scotland, yet the faid roads cannot be kept in sufficient repair, and are in many places become ruinous by the great and excessive weights which the number of horses now allowed by low to draw waggons and other carriages, enable carriers, and other persons using the said roads, to carry upon the same; for remedy whereof, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That from and after the first day of September, one thousand seven hundred and fifty nine, where any waggon, wain, cart, or other carriage, is drawn by four or more horses, or other beasts of draught, it shall and may be lawful for all trustees or commissioners appointed, or hereafter to drawn by four be appointed, by any act or acts of parliament, for the repair of any highway or highways, in that part of Great Britain called Scotland, in their respective districts, or any five or more of them, or any person or persons impowered by them, or any five or more of them, to demand, receive, and take, and they are hereby required to demand, receive, and take, at all the gates and bars that are or shall be erected for receiving and collecting any toll or duty, before fuch waggon, wain, cart, or other carriage, shall be permitted to pass through any such toll-gate or toll-bar, over and above the tolls or duties already granted, or hereafter to be granted, the sum of five shillings sterling for each horse, or other beast of draught, drawing any such waggon, wain, cart, or other carriage; which faid additional toll or duty hereby granted and made payable, shall and may be levied upon any person who shall, after demand made thereof, refuse or neg-



Anno tricesimo secundo Georgii II. c. 15. 1759.

lect to pay the same, in such manner as any other toll or duty, payable at the fame turnpike-gate or bar, is by law to be levied; and the money arising from such additional duty, shall be applied to the repair of the highway where the same shall be collected.

II. And be it further enacted by the authority aforefaid, 20 s. penalty That if any person or persons shall take off, or cause to be taken on taking off off, any horse or horses, or other beast of draught, from any avoid the adcarriage, at or before the same shall come to any of the said ditional toll. gates or turnpikes, with an intent to avoid paying the faid additional toll or duty, each and every person so offending, and being convicted thereof before the faid truftees, or any five or more of them, upon the oath of one or more credible witness or witnesses (which oath the said trustees, or any five or more of them, are hereby impowered to administer) shall forfeit and pay twenty shillings sterling; one half to the informer, and the other half to be applied to repairing fuch part or parts of the faid road, as the faid trustees, or any five or more of them, iliall appoint.

III. And be it further enacted and declared by the authority Travelling aforesaid, That every person who shall drive any waggon or with fewer other carriage upon any part of any turnpike road, with more horses on one horses than such waggon, or other carriage, shall, on the same road than on day, pass through any turnpike-bar or gate with, shall be deem- another, liable ed and adjudged to have taken off the faid horses, with intent to forseit.

to avoid paying the faid additional toll or duty.

IV. And be it further enacted by the authority aforesaid, That from and after the first day of September, one thousand feven hundred and fifty nine, no waggon, wain, cart, or other carriage, shall be drawn by more than eight horses, or other beafts of draught, upon any turnpike road, in that part of Great Britain called Scotland, on pain of forfeiting the sum of five pounds sterling for every such offence; one half to the informer. and the other half to be applied to repairing the road where the offence shall be committed, as the trustees, or any five or more

of them, thall appoint.

V. Provided always, and be it enacted by the authority afore- such number faid, That nothing in this act contained shall extend, or be of horses may construed to extend, to restrain the owner or owners of any be used for carriage, or his or their fervants, using or drawing with as many drawing car-horses, or beasts of draught, as shall be necessary for drawing riages up hill, horses, or beasts of draught, as shall be necessary for drawing as the trustees, fuch carriages up any steep hill, as the said trustees, or any five by an order or more of them, within their respective districts, where such for that pursteep hills do lie, shall, from time to time, order and direct; a poie, shall copy of which order and direction, under the hand of the clerk copy of the of the faid truffees, shall be kept by the person or persons im-order to be powered to levy the faid tolls or duties, at the toll gate next ad-ledged with jacent to fuch hills; and shall, without fee or reward, be made the collector patent to the owners of fuch carriages passing the road, or their &c. firmants, requiring to fee the fame.

VI. Pro-

F f 2

Anno tricesimo secundo Georgii II. c. 15. 1759.

Waggons, &c. with broad wheels,

or carrying of marble, &c. not liable to ty.

Carriageswith fellies of the wheels fix inches broad, drawn by 3 the toll only of two.

Chaises, coaches, &c. exempted.

Trustees may order wheels to be measured.

Carriages with wheels reduced, by wearing, not more than one inch, allowed to pals.

VI. Provided always, and be it enacted by the authority aforesaid, That nothing in this act contained shall impose or be construed to impose the said additional duty on any waggon, wain, cart, or other carriage, the fellies of the wheels whereof are of the breadth or gage or nine inches, from fide to fide, at the least; nor on any waggon, wain, cart, or other carriage, employed in carrying one tree or piece of timber, one stone or only one block block of marble, or any machine or engine in one piece, which cannot be drawn by fewer than four hories; nor on any waggon, additional du- wain, cart, or other carriage, drawn by oxen or neat cattle only. or along with two horles, and no more.

VII. And, for the further encouraging the using of broad wheels, be it further enacted by the authority aforesaid, That from and after the first day of September, one thousand seven hundred and fifty nine, all waggons, wains, and carts, wherehorses, to pay of the fellies of the wheels are of the breadth or gage of fix inches from fide to fide, at the leaft, drawn by three horses, mares, or geldings, shall only be liable and subject to payment of fuch toll or duty as is at pretent imposed, by the acts of parliament already made, upon waggons, wains, and carts, drawn by two hories.

VIII. Provided always, and be it further enacted by the authority aforesaid, That nothing in this act contained shall be deemed or construed to extend to any chaise marine, coach, chariot, landau, berlin, chaife, chair, or calash.

IX. And, for the better discovering and detecting the offenders against this act, it is hereby further enacted, That it shall and may be lawful to and for the trustees appointed, or to be appointed, by any act or acts of parliament made, or to be anade, for the repairing or amending any highway or highways within that part of Great Britain called Scotland, or any five or more of them, and they are hereby authorized and required, by writing under their hands, to order the fellies of the wheels of all waggons, wains, carts, and other carriages, which are, or ought to be, of the breadth or gage herein before directed and prescribed, to be measured and gaged at any turnpike or toll-gate erected, or to be creeted, upon any part of the highway or road, in or upon which fuch waggon, wain, cart, or carriage respectively, shall travel, pals, or be drawn.

X. Provided always, That in case it shall appear to the satisfaction of the person or persons appointed to measure and gage the faid wheels, that the fellies of the wheels of any waggon or wheel carriage, travelling or passing upon any such turnpike road, were originally, and when first made, or the breadth of nine or fix inches respectively, and, by long usage and wearing, shall have been reduced to, and become of, let's breadth or gage; then, and in such case, it shall and may be lawful for such waggon or wheel carriage to travel, pass, or he drawn upon any fuch turnpike road, so as the fellies of all the wheels thereof respectively be not diminished more than one inch of the full breadth required by this act.

MI. And

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XI. And it is hereby further enacted and declared, That if Persons binany person or persons shall hinder, or attempt to prevent or ob- dering the struct, the measuring or gaging the fellies of such wheels, or wheels, forfeit shall use any violence to any person or persons employed or con- 51. sterling. cerned in such measuring or gaging, each and every person so offending, and being convicted thereof before the faid trustees, or any five or more of them, upon the oath of one or more credible witness or witnesses, which oath the said trustees, or any five or more of them, are hereby impowered to administer, shall forfeit and pay five pounds sterling; one half to the informer, and the other half to be applied to repairing such part or parts of the said road, as the said trustees, or any five or more of them, shall appoint.

XII. And be it further enacted by the authority aforefaid, Penalties, not That all tolls, duties, penalties, and forfeitures, by this act im- otherwise dipoled, if not otherwise directed to be levied by this act, shall be rected, to be levied by diffress of the offender's goods and chattels, by war levied by dilevied by diffress of the offender's goods and chattels, by war-stress. rant under the hands and seals of any two or more justices of the peace for the county, city, or place, where the offence shall be committed; and the persons distraining for such penalties are Distress may hereby authorized and impowered to fell the goods or chattels be fold. so distrained, and return the overplus money, if any there be, upon demand, to the owners of such goods and chattels, after such tolls, duties, penalties, or forfeitures, with the reasonable

charges of fuch diffress, shall be deducted and paid.

XIII. And be it further enacted by the authority aforesaid, Persons ag-That if any person or persons shall think him or themselves grieved may aggrieved by any order or other proceedings of the faid trustees appeal to the or justices, it shall and may be lawful for him or them to appeal quarter sesto the justices of the peace for the county or place where the cause of appeal shall arise, in their general quarter sessions assembled, who are hereby authorized and impowered to hear and determine the matter in dispute, and whose order therein shall be final and conclusive.

XIV. And be it further enacted by the authority aforesaid, Limitation of That if any action shall be brought, or suit commenced, against actions. any person or persons for any thing done in pursuance of this act, or in relation to the premisses, or any of them, every such action or fuit shall be laid or brought within one month after the fact done.

CAP. XVI.

An att to continue, amend, explain, and render more effectual, an all made in the fixth year of the reign of his present Majesty, for the better regulation of lastage and ballastage in the river Thames, and to prevent putting of rubbish, ashes, dirt, or soil, into the said river, and in the streets, passages, and kennels, in London, and in the suburbs thereof in Middlesex, and in Westminster, and such part of the dutchy of Lancaster as is in Middlesex;

Anno tricesimo secundo Georgii II. c. 16. and for allowing a certain quantity of dung, compost, earth, or soil, to be yearly shipped as ballast from the laystalls in London on board any collier or coasting vessel.

A& 6 Geo. 2. WHEREAS an act made in the fixth year of the reign of his pelent Majesty, intituled. An act for the better regulation pesent Majesty, intituled, An act for the better regulation of lastage and ballastage in the river Thames, which was to continue in force from the first day of June, one thousand seven hundred and thirty three, for five years, and from thence to the end of the then next session of parliament; and which, by an all made in the eleventh year of the reign of his Said present Majesty, was further continued for seven years, and from thence to the end of the then next session of parliament; and by an act made in the eighteenth year of the reign of his said present Majesty, was further continued for eleven years, and from thence to the end of the then next session of parliament, is near expiring: and whereas the said all hath greatly tended to the preventing the frauds and abuses thentofore committed by the ballast-men employed under the master, wardens, and assistants of the Trinity House at Deptford Strond in the county of Kent, and also to the preservation of the navigation of the said river Thames, and the promoting and encouraging the trade of this kingdom, and for the maintenance and relief of decayed feamen, their wives, widows, and orphans; be it therefore enacted by the King's most excellent majesty, by and with the advice and confent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said act, and all every the powers, authorities, clauses, and provisions therein contained, other than such as are hereincontinued, ex- after altered or amended, shall be and continue, and the same is and are hereby continued, in force, from the expiration thereof, until the twenty fourth day of June, one thousand feven hundred and feventy, and from thence to the end of the then next leftion of parliament.

The recited act further cept where altered by this act, to 24 June, 1779.

3000 tons of dung, compost, earth, ed to be yearly shipped as ballaft, from any part of the river Thames;

II. And, for the explaining and rendering more effectual the faid first recited act, and ascertaining the quantities of dung, compost, earth, or foil, which may be shipped or transported as ballast, be it therefore further enacted by the authority aforesaid, That from and after the twenty fourth day of June, one thousand seven hundred and fifty nine, any master, owner or owners, of or foil, allow- any ship or vessel, may ship, transport, and carry, in his or their thip or thips, vessel or vessels, as ballast, from Lindon, or any part of the river Thames, any dung, compost, earth, or soil, or any chalk rubbish, sope ashes, sope waste, slints, tobacco pipe clay, or other clay, or any other goods or commodities, claimed to be furnished as ballast by the said corporation of Trinity House (subject nevertheless to the payment of the rates and duties, and under the provisoes and restrictions herein-atter mentioned and contained concerning the same) to that the whole quantity together of all dung, compost, earth, or foil, which shall be allowed to be shipped and transported for ballast as aforefaid, under the authority of this act, for the use of coasters and celliers,



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colliers, or on any other account or pretence whatfoever, doth not exceed in any one year, to commence and be computed from the first day of June inclusive in every year, the quantity over and beof three thousand tons, over and besides the quantity of two sides thousand tons of dung, compost, earth, or soil, herein after tons from the specified and allowed to be shipped or put on board any coasting laystails in ships or vessels in the said river Thames, by the lessee or lessees, London; occupier or occupiers of the laystalls of the city of London for the time being, on the condition herein-after mentioned; and and of chalk, to also that the whole quantity of chalk and chalk rubbish which and chalk shall be shipped and transported as ballast, for the use of coasters rubbish 3000 and colliers in the faid river Thames, doth not exceed the quantity of three thousand tons in any one year, to commence and be computed as aforesaid; and so likewise that the whole quan- and of sope tity of sope ashes, and of all other forts of commodities as afore- ashes, &c. faid, claimed to be furnished as ballast as aforesaid by the said 2000 tons. corporation, and licensed by the authority of this act to be shipped and transported as ballast as aforesaid, for the use of coasters and colliers in the faid river, doth not exceed the quantity of two thousand tons in any one year, to commence and be computed as aforefaid.

III. Provided nevertheless, and be it enacted by the authority Entry to be aforesaid, That before the master, owner or owners, of any made of all thip or vessel, shall permit any of the said commodities or things, commodities claimed to be surnished as ballast by the said corporation, to be shipped for things or not on board any such shipped sor put on board and shipped sor put on board any such shipped sor put on board and shipped sor put on board any such shipped sor put on board any such shipped sor put on board and sh thipped or put on board any fuch ship or vessel, every such master, owner or owners, shall make a due entry at the ballast office of the Trinity House in London, or with the officer of the said Trinity House at Gravesend (unless any of the faid commodities or things shall be shipped or put on board any thip or vessel as aforesaid in the last seven days of the month of May in any year, and then every entry thereof shall be made at the office of the Trinity House in London, and not in any other place) of all commodities and things as aforesaid which shall be shipped or put on board any such ship or vessel as ballast, and of the name of every fuch faip or vetfei, and of the master or commander thereof; and also, at the time of the making of every such respective en- and i d. per try, shall pay to the said corporation for such licence or autho- ton paid for a rity, one penny for every ton of the faid commodities and things licence to the

IV. And be it further enacted by the authority aforesaid, That if any master, owner or owners, or officer of any ship or vessel, shall ship or put on board, or suffer to be shipped or put on board, any fuch ship or vessel, any of the commodities or things herein before-mentioned, specified, and enumerated, before every such entry and payment as aforesaid in respect thereof shall be made; or shall thip or take on board any such ship or yessel, any greater quantity thereof than what shall be so enter-ed and paid for as aforesaid; then, and in every such case, every with like pe-nalty for makperson who shall so offend in the premisses, and be thereof con- ing a fraudu-

House; on penalty of

victed lent entry.



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victed in manner herein-after provided or directed, shall, for every such offence, forfeit and pay the sum of five pounds.

Bricks, tyles, or lime, &c. may be thipped as ballaft, duty-fice.

V. Provided always, and it is hereby likewise enacted, That from and after the faid twenty fourth day of June, one thousand feven hundred and fifty nine, it shall be lawful for any master or owner of any ship or vessel, from time to time, to ship, transport, and carry, in any such ship or vessel, as ballast, from London, or any part of the river Thames, any quantity of bricks, tyles, or lime, or any other merchandizeable commodities and things (other than and except such of the said commodities and things as are herein before enumerated and specified, and allowed to be taken or carried as ballast) without paying any thing to the faid corporation for the fame.

Lighters and veffels em. ployed in the ballastage to be weighed, marked, and numbered, by the officers of the Trinity House;

VI. And whereas it is necessary that the lighters, barges, or vefsels, in which any dung, compost, earth, or soil, shall be loaded, in order to be put on board any ships or vessels, for the use of consters or colliers in the faid river Thames, should be weighed, marked, and numbered; be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of June, one thousand seven hundred and fifty nine, no lighter, barge, or vessel whatsoever, shall be used or employed by any person or persons, for carrying any dung, compost, earth, or soil, on board any ship or vessel whatsoever in the said river Thames, for the use of coasters or colliers there, until every such lighter, barge, or vessel, shall have been first weighed, marked, and numbered, by the faid corporation of the Trinity House, and at their costs, or by some agent or officer who shall be appointed for that purpose by them; and the said corporation, their agent or officer, is and are hereby authorized and required, from time to time, at seasonable times in the day-time, as they shall see occasion, to weigh every such lighter, barge, or vessel, which shall be employed in the faid river Thames, for the carrying any dung, compost, earth, or foil, on board any coaster or collier in the said river; and also to affix a gauge mark, by painting the same, or otherwise, in some conspicuous place or places, at the stem and stern of every fuch lighter, barge, or vessel, as aforesaid, higher than the fame shall fink into the water when loaded, denoting the exact tonage; and also the number of every such lighter, barge, or vessel, in a legible manner, and in large white capital letters and figures: and if any one shall offend in the premisses, or shall remove, alter, deface, or counterfeit, any gauge mark of any fuch lighter, barge, or vessel, as aforesaid, or the number thereof, which shall be set, painted, or affixed, by the said corporation, their agent or officer, on any such lighter, barge, or vessel; every person so offending, and being thereof convicted in the manner herein after directed, shall, for every such offence, forfeit and pay the sum of five pounds.

Penalty of removing, defacing, or counterfeiting, &c. the marks, 51.

> VII. And be it further enacted by the authority aforesaid, That in case the said corporation shall have reason at any time to suspect that the gauge mark of any such lighter, barge, or veffel, hath been removed, altered, or changed, then, and in

On fuspicion of fraud, the lighters may be reweighed;



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fuch case, it shall be lawful for the said corporation, their agent or officer, at all times hereafter, at seasonable times in the daytime, and at the costs of the said corporation, to reweigh any fuch lighter, barge, or vessel (so as that no more than one such lighter, barge, or vessel, shall be reweighed in any week) and in case upon the reweighing of any such lighter, barge, or vessel, the same shall be found to be of greater tonage than by the mark thereof, such lighter, barge, or vessel, shall be signified or denoted, and ought to be, then the person or persons to whom and the owner fuch lighter, barge, or vessel, which shall be so found to be of to forfeit 51. greater tonage than aforesaid shall belong, shall, for every such on conviction offence, on being convicted in manner by this act prescribed, of the offence.

forseit and pay the sum of five pounds.

VIII. And whereas it frequently happens that ships and vessels which come within the port of London, bring in them large quantities of ballast, which, for convenience of the masters or owners of Such ships or vessels, and to save expence, are frequently unloaded and thrown into the Said river Thames, to the great prejudice and obstruction of the navigation thereof: now, for preventing such annoyances for the future; be it further enacted by the authority aforesaid, That if any ship or vessel, after the said twenty fourth vessels to unday of June, one thousand seven hundred and fifty nine, shall load their balcome into the faid river with any ballast therein, no part of any last on some such ballast shall be unloaded, put, or thrown, from or out of wharf or ground, above any fuch ship or vessel, into the said river, but all such ballast high water shall be laid or put, at the expence of the owner or owners, or mark; master, of every such respective ship or vessel, on some common wharf or quay near to the said river, or on some ground or place above high water mark; or otherwise, shall be unload- or into light. ed from every such respective ship or vessel, at the costs of the ers of the Triowner or owners, master or commander, of every such said ship nity House. or veffel, into one or more lighter or lighters belonging, or which shall belong, to the said corporation, which the said corporation are hereby required to furnish and send, on any demand for the fame being made, or left in writing at the faid ballast office, by or on the behalf of every such owner or owners, or master of any fuch ship or vessel; and in case the said corporation, on any Trinity House fuch application or demand as aforefaid, shall refuse, or shall ne- to furnish glect to furnish and send, sufficient lighter or lighters to take any lighters acballast from any such ship or vessel, according to the true meaning cordingly, on of this act, within the space of three days after any such appli- penalty of 50l. cation or demand shall be made to them for that purpose, then, and in every fuch case, the said corporation shall forfeit and pay, for every such refusal or neglect, the sum of fifty pounds; unless fuch refusal or neglect thall be occasioned by frosty or tempestuous weather, preventing such lighter or lighters from being navigated to take away the same; to be recovered by action of Application of debt, bill, plaint, or information, in any of his Majesty's courts the penalty. of record at Hillmingter, wherein no effoin, protection, or wager of law, and no more than one imparlance shall be allowed; one moiety of which penalty shall be applied to the use of the

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poor of the parish or place where the offence shall be committed, and the other moiety to the person who shall sue for the fame.

Corporation to be paid 6d. per ton, for ed into their lighters.

IX. And be it further enacted by the authority aforesaid, That the owner or owners, master or commander, of every ship ballast unload- or vessel, out of which any ballast shall be taken by any lighter or vessel belonging to the said corporation, shall pay to the said corporation the sum of six pence per ton, for every ton of ballast which shall be received by the said corporation out of any fuch ship or vessel, within the space of twenty four hours after any fuch ballast shall be carried away from, or out of, any fuch ship or vessel, by the ballast-men, servants, or agents, of the said corporation; which money, when received, shall be applied and disposed of for the use of the poor of the said corporation; and in case of nonpayment thereof, the same may be recovered for the use aforesaid, by action of debt to be brought in any of his Majesty's courts of record at IVestminster, in the name of the faid corporation, against any such owner or owners, master or commander, of any fuch thip or vessel.

Penalty of unloading ballast otherwise

X. And be it further enacted by the authority aforesaid, That if after the said twenty fourth day of June, one thousand seven hundred and fifty nine, any ballast, of any kind or denomination than is direct- whatsoever, shall be unloaded, put, or thrown, out of any ship ed by this act, or vessel, into the river Thomes, or be unloaded, laid, or put on any shore, ground, or place, below the high water mark in the said river, then, and in any such case, the master or commander of every such respective ship or vessel from or out of which any such ballast shall be so unloaded, or put on any such shore, ground, or place, as aforefaid, on being thereof convicted in the manner by this act prescribed, shall forfeit and pay for every fuch offence the fum of five pounds.

and of unloading or throwing rubbish, &cc. froin any wharf or lighter, &c. 405.

XI. And be it further enacted by the authority aforesaid, That if any person or persons shall, at any time or times after the said twenty fourth day of June, one thousand seven hundred and fifty nine, unload, put, or throw, into the said river Thames, any rubbish, earth, ashes, dirt, or soil, from any wharf, quay, or bank, adjoining or near to the said river Thames, or from or out of any barge or lighter; any person so offending, and who into the river, shall be thereof convicted in manner by this act prescribed, shall forfeit and pay for every such offence the sum of forty shillings.

XII. And, to the intent that no greater quantity of dung, compost, earth, or foil, may be delivered or put on board any confer or collier, as or for bailast, than is allowed of by this ast, and that if any greater quantity thereof than what is fo allowed of thall be put on board any coafter or chafters, discovery may be made thereof; be it further enacted by the authority aforesaid, That from and after post, earth, or the faid twenty fourth day of June, one thousand seven hundred foil, for bal-last, to be first vered into or put on board any such coaster or collier immedi-laid on board fome number- ately from any laystall, wharf, quay, or other place on shore, ed and mark- adjoining or near to the faid river Thames, and that all dung.

Dung, com-



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compost, earth, or foil, which, after the said twenty fourth day ed lighter, of June, shall, in pursuance of this act, be delivered or put on and from thence deboard any such coaster or collier as or for ballast, shall be taken livered on from the laystall, wharf, quay, or other place on thore, where-board the on the same shall lie, and therefrom shall be carried to every coaster or fuch coaster or collier, in and by some lighter, barge, or vessel, collier. which shall be weighed, marked, and numbered, as by this act is directed, and shall be delivered or put on board such coaster or collier from such numbered and marked lighter, barge, or vessel only, and not in any other manner and if any perion or on penalty of persons shall offend in the premisses, he or they, on being there- sl. of convicted as by this act is directed, shall, for every such offence, forfeit and pay the sum of five pounds; one moiety Application thereof to the informer, and the other moiety thereof to the thereot. treasurer or treasurers of the said corporation of the Trinity

House, for the use of the poor of the said corporation.

XIII. And whereas great quantities of rubbish, earth, land, ashes, dirt, filth, and foil, are frequently put or thrown into the freets, lanes, and common passages, of the city of London, and the liberties thereof, and of the Suburbs of the Said city in the county of Middlefex; and also in the streets, lanes, and common passages, of the city of Westminster, and the liberties thereof; and in Juch part of the liberty of the dutchy of Lancaster, as lies in the faid county of Middlefex; and scavengers or rakers whose duty it is to cleanse such Arcets, lanes, and common passages, their servants or labourers, and also other persons, do frequently sweep or put rubbish, earth, jand, ashes, dirt, filth, and full, into the kennels or channels in the fail strests, lanes, and common passages, and by means thereof, luch rubbift, earth, fand, aftes, dirt, filth, or foil, or part thereof, are frequently carried or forced down into the faid river of Thames, to the manifest prejudice of the said river, and the navigation thereof, as well as to the annoyance of the docks and wharfs contiguous to the faid river: for remedy whereof, be it further enacted by the authority aforesaid, That from and after the said twenty fourth Penalty of layday of June, one thousand seven hundred and fifty nine, no ing rubbith, person or persons shall lay, throw, or put, any rubbith, earth, ashes, or soil, fand, ashes, dirt, filth, or soil, in any street, lane, court, com- the streets mon way, or passage, within the said city of London, or the li- or common berties thereof, or in the suburbs thereof in the said county of ways in Lon-Middlefex; or in any street, lane, court. common way, or past-don, Westminfage, in the faid city of Westminster, or the liberties thereof; or suburbs therein such part of the liberty of the dutchy of Lancaster, as lies in or. the county of Middlefex; other than such as is or are allowed by law to be laid or heaped up to drain, ready for the respective scavengers or rakers, within their several precincts, to carry away; or sweep, throw, carry, or otherwise put, any rubbith, or of sweeping earth, fand, ashes, dirt, filth, or foil, into any kennel or chan- or throwing nel, in the faid city of London, or the liberties thereof; or in the any rubbich. suburbs of the said city of London, or the liberties thereof; or &c. in the said city of Westminster, or the liberties thereof; or in such into any of the part of the liberty of the dutchy of Lamaster, as lies it the said kennels.

Anno tricesimo secundo GEORGII II. C. 16.

county of Middlesex; other than such as shall be swept away by the respective inhabitants before their respective habitations: and if any one shall offend in the premisses, and shall be thereof convicted in the manner by this act directed, he, she, or they, so offending, shall, for every such offence, forfeit and pay the

But none are liable to forfeit for Iweeping before their houses immediately after inow, thaw, or rain.

fum of ten shillings. XIV. Provided always, and be it enacted by the authority aforesaid, That nothing before in this act contained shall extend to prevent any inhabitant within the limits herein before mentioned, or his or her servant, from sweeping immediately after fnow, thaw, or rain, into any kennel or channel within the limits aforesaid, any ice, snow, dirt, or soil, which by means of any fuch fnow, thaw, or rain, shall be before his or her house or tenement (other than and except rubbish which shall be cast out, thrown, or put, in any fuch street, lane, or passage, within the limits aforefaid, from repaired or decayed buildings, or otherwise) or to inflict any penalty on any such inhabitant, or his or her fervant, in respect to his or her so doing.

Leffees and occupiers of laystalls to inspect the itieets and common pafintermation ot offenders in the premiffics;

XV. And be it further enacted by the authority aforesaid, That it shall be lawful for the lessee or lessees, occupier or occupiers, for the time being, of the laystalls of the said city of London, and he and they is and are hereby required, either in perfon, or by some proper servant to be deputed by him or them, fages, and give and at his or their charges, to go about and inspect the several streets, courts, lanes, and common passages, in the said city of London, and the liberties thereof, every day in the year (Sundays excepted) and to give information from time to time to the mayor of the faid city for the time being, or some alderman of the faid city, of every person or persons he or they shall at any time discover or detect offending in the premisses, in the said city of London, or the liberties thereof, contrary to the intent of this act, so that every person and persons so offending in London, or the liberties thereof, may be proceeded against, as by this act is directed, for every fuch offence.

XVI. And in case such lessee or lessees, occupier or occupiers, or his or their servant, shall duly, from time to time, make and perform the inspection hereby directed to be made, in London, and the liberties thereof, according to the intent of this act, and give information against the persons sound offending in the said city of London, and the liverties thereof, to the mayor of the faid city for the time being, or some alderman of the said city; be it further enacted by the auforming their thority aforesaid, That such lessee or lessees, occupier or occupiers, of the faid laystalls for the time being, shall and may, they are allow- between the first day of June, one thousand seven hundred and nually, as bal- fifty nine, and the first day of June, one thousand seven hunlast, from any dred and fixty, ship, or cause to be shipped, from any laystall of the faid city of London, as and for ballast, but on no other London, 2000 account or pretence whatfoever, on board of any collier, or coasting thip or thips, vessel or vessels, in the said river, any quantity of dung, compost, earth, or foil, not exceeding two thousand tons in the whole; and also, shall and may, after the said first

and on perduty ti.erein, ed to ship anlayitails in tons of dung, &c.



1759.] Anno tricesimo secundo Georgii II. c. 16.

day of June, one thousand seven hundred and sixty, yearly in every year then following, ship, or cause to be shipped, from any laystall or laystalls of the said city of London, as and for ballast, but on no other account or pretence whatfoever, on board any collier or coasting ship, vessel or vessels, any quantity of dung, compost, earth, or soil, not exceeding two thousand tons.

XVII. Provided nevertheless, That such said lessee or lessees, occupier or occupiers, of the faid laystalls, or the inspector or inspectors who shall be employed by or under him or them, shall but before do his or their duty in the premisses, directed and intended by shippingtherethis act, and shall yearly, after the said first day of June, one of, they are to thousand seven hundred and fixty, before the shipping of any obtain a cerpart of the faid additional two thousand tons of dung, compost, the mayor, earth, or soil, obtain a testimonial or certificate thereof, under and deliver the the hand of the mayor of the said city of London for the time same at the being, and shall deliver such certificate or testimonial at the bal- ballast office; last office of the said master, wardens, and assistants, of the said Trinity House, before the said first day of June in every such year, after the said first day of June, one thousand seven hundred and fixty; and which faid additional two thousand tons of the said quandung, compost, earth, or foil, shall be besides and exclusive of tity to be exthe said three thousand tons allowed by the said herein before re-clusive of the cited act made in the said sixth year of his present Majesty's reign, lowed by act to be yearly shipped and transported as ballast; but such said 6 Geo. 2. two thousand additional tons of dung, compost, earth, or foil, by this act allowed to be yearly shipped and transported, as aforesaid, are to be, and shall be, subject and liable to the like but subject to penalties, payments, orders, restrictions, and regulations, as in like regulaand by the said first herein before recited act are enacted and tions, &c. declared, concerning dung or compost thereby allowed to be shipped or transported as or for ballast, other than such thereof as are altered or varied by this present act.

XVIII. And be it further enacted by the authority aforesaid, Justices, not That any justice or justices of the peace, of the county, city, being memdivision, or place, in which any offence as aforesaid for unload-bers of the ing, putting, or throwing any ballast from or out of any ship or Trinity house, vessel into the said river Thames, or for putting, unloading, or offenders on throwing into the said river Thames, any multiple the said river Thames are multiple to the said river throwing into the faid river Thames, any rubbith, earth, fand, their own view ashes, filth, dirt, or soil, from any wharf, quay, or bank, adjoin- and knowing to or near the faid river, or from or out of any barge or ledge; lighter, or for putting or throwing any rubbith, earth, fand, ashes, filth, dirt, or soil, in any street, lane, or passage, in the said city of London, or the liberties thereof, or in the faid suburbs of the said city in the said county of Middlesex, or in the said city of Westminster, or the liberties thereof, or in such part of the liberty of the dutchy of Lancaster as lies in the said county of Mitdlefex, except as herein befor ' is excepted, or sweeping, putting, or throwing the same into any kennel or channel in the faid city of London, or the liberties thereof, or in the suburbs of the said city in the faid county of Middlefex, or in the city of Westmin-Her, or the liberties thereof, or in such part of the dutchy of Lan-

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and hear all offences punishable by directed to be recovered in courts of record) and upon complaint or information, iffue warrants for apprehending oftenders;

executed as well upon the river as on more;

taken, to be **i**mmediately carried before fome justice,

Penalty, on conviction.

caster as lies in the said county of Middlesex, except as herein before is excepted, by means whereof the fame shall or may be carried or forced down any fuch kennel or channel into the faid river Thames, shall be committed, or wherein any such offender or offenders shall be found, such justice or justices (not being a member of the said corporation of the said Trinity House) is and are hereby authorized and required to convict any fuch offender or offenders on the proper knowledge or view of any fuch justice or justices; and every such justice and justices is and are hereby also authorized and required to hear all the offences pupecuniary pe- nishable by this act by any pecuniary penalties, other than such nalties (except are herein before directed to be recovered by action of debt, wherefuch are bill, plaint, or information, in any of his Majesty's courts of record at Westminster; and upon an information exhibited, or complaint made, in that behalf, so that every such information or complaint be exhibited upon oath before fuch justice or juffices, within feven days after any fuch offence shall be committed (which oath fuch justice or justices is or are hereby impowered and required to administer) every such justice or justices is and are hereby required, within their respective jurisdictions, to issue a warrant or warrants for the immediate apprehending of the party or parties accused, and bringing him, her, or them, before any justice or justices, within his or their respective jurisdiction, to answer the matters of complaint to be contained in such warwhich may be rant or warrants; and which warrant or warrants the person and persons to whom the same shall be directed is and are hereby authorized and impowered to execute upon the faid river Thames, or on any shore adjoining thereto; and for that purpose they, and every of them, is and are hereby authorized, impowered, and required, at all times in the day time, to go on board any ship, vessel, boat, or craft, in the said river, for apprehending any fuch offender or offenders who shall be named in any such offender, when warrant or warrants: and on any such offender or offenders being apprehended, he, she, or they shall, with all convenient speed be carried before some justice or justices of the peace, having jurisdiction in the premisses; and every such justice and juwho is to sum. stices, within his and their respective jurisdiction, is and are mon witnesses hereby authorized and required to summon witnesses within juon either side, rissliction of such justice or justices, as shall be desired, on either them on oath, fide, and, on their appearance, to examine them on oath (and which oath any such justice and justices is and are hereby authorized and required to administer) touching the premisses, and thereupon to hear and determine the same, and to give such judgment in the premisses as shall be just, and according to the meaning of this act: and in case the party or parties accused shall be convicted, upon the proper knowledge or view of the justice may be levied or justices, of any offence cognizable by this act, or upon or by by diffress and the oath of any credible witness, or by his, her, or their own confession, and the penalty thereby incurred or forfeited shall not immediately be paid on such conviction, the same shall be recovered and levied by diffress and sale, in the like manner as any

of



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of the penalties incurred and forfeited by the first-recited act are thereby directed to be recovered and levied by diffress and sale; and in case sufficient distress cannot be found whereon the same and for want may be recovered and levied, then such justice or justices shall, by of sufficient warrant under his hand and seal, or their hands and seals, com-party be commit the person or persons who shall be so convicted to the house mitted. of correction of the county, city, orplace, where such any offender shall be apprehended, there to remain, without bail or mainprize, and be kept to hard labour, for any time not exceeding one month, or until payment shall, before that time, be made, of the pecuniary penalties or forfeitures, or composition thall be made and accepted for the fame.

XIX. Provided always, and it is hereby enacted and de-Inhabitants clared, That any inhabitant of the parish or place in which deemed comany offence against this act shall be committed, shall, notwith- petent wit. Itanding such inhabitancy, be a good and competent witness.

XX. And be it further enacted by the authority aforesaid, Where wit-That if any person who shall be so summoned as a witness or nessessesses to witnesses, as aforesaid, before any justice or justices, shall refuse appear upon or neglect to appear at the time by such supposes appointed being sumor neglect to appear at the time by fuch summons appointed, moned, and no just cause shall be offered for such neglect or refusal; then (after proof on oath of fuch fummons having been duly ferved upon the party or parties so summoned) every such justice warrants are and justices is and are hereby authorized and required to issue to be issued out his or their warrant under his hand and seal, or their hands and against them; feals, to bring every such witness or witnesses before any justice or justices: and if any such witness or witnesses, on his or her andwherethey appearance, or being brought before any such justice or justices, refuse to give shall refuse to be examined on oath concerning the premisses, are to be without offering some just excuse for such refusal, any such justice committed. or justices, within the limits of his or their respective jurisdiction, may, by warrant under his hand and feal, or their hands and leals, commit any person or persons so refusing to be examined to the house of correction of the county, city, or place, where any such person shall be apprehended, there to remain for any time not exceeding one month, nor less than one week, as any fuch justice or justices shall direct.

XXI. Provided always, and be it further enacted, That every Penalty of person who shall be summoned to appear and give evidence be witness not fore a justice or justices of the peace, concerning any offence cog- appearing to fore a justice or justices of the peace, concerning any offence cog- the summons, nizable before him or them by this act, and shall refuse or ne- or refusing to glect to appear according to such summons, or appearing, shall give evidence, refuse to give evidence, without offering some just cause, to be allow- 40 s. ed of by fuch justice or justices, in excuse for such neglect or refufal, shall, on being convicted thereof by such justice or justices, forfeit and pay for every such neglect or retufal the sum of forty shillings; to be recovered and levied by diffress and sale of the to be recovergoods and chattels of the party convicted of any fuch neglect or ed by distress refufal, in like manner as any other pecuniary penalty incurred and fale, under this act is hereby directed to be recovered and levied; and and paid over that all money fo forfeited, thall, when recovered, be paid and for the use of Gg

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applied the poor of the panish;



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applied for the use of the poor the parish or place in which any fuch neglect or refusal shall be made; but that no warrant shall but oath is to be figned by a justice or justices of the peace for committing to be made of nonpayment any house of correction any person who shall be convicted of such of the penalty, neglect or refusal as aforesaid, until it shall have been proved, and want of by oath, to the satisfaction of such justice or justices, that the modiffress, before warrant ney forfeited by fuch neglect or refusal had not been paid; and of commitlikewise that no sufficient distress can be found, within the jument be iffued. risdiction of such justice or justices, whereon the money so for-

feited may be recovered and levied.

Justices may back warrants of appreheniun or the offender or goods shall be out of the granting the lame;

XXII. And it is hereby further enacted, That in case any perfon against whom a warrant shall be issued by any justice or justices before or after conviction as aforesaid, for any offence against this act, shall escape, go into, reside, or be in any other diffress, where county, riding, division, city, liberty, town, or place, out of the juridiction of fuch person granting such warrant or warrants as aforefaid; or if the goods and chattels of any offender convicted of jurisdiction of any offence in pursuance of this act, shall be in a different counthe person first ty, riding, division, city, liberty, town, or place, than where the laid party was convicted, or warrant of diffress granted; it shall and may be lawful for any justice of the peace of the county, riding, division, city, liberty, town, or place, into which fuch person shall escape, either before or after conviction, or where his goods and chattels shall be after such conviction; and they and every of them are hereby required, upon proof made upon oath of the hand writing of any justice or justices granting fuch warrant or warrants, to indorfe his or their name or names on fuch warrant; and the same, when so indorsed, shall be a fufficient authority to all peace officers to execute fuch warrant in fuch other county, riding, division, city, town, or place, out of the jurisdiction of the person or persons granting and may hear the faid warrant: and any justice or justices respectively, on the and determine offender or offenders being apprehended and brought before him the complaint, or them within their respective jurisdictions, may proceed to hear offender to the and determine the complaint in the same manner as if it had originally arose within his or their respective jurisdictions, or may direct the offender or offenders to be carried to the justice or justices who granted the original warrant, to be dealt with according to law.

or remit the justice who granted the original warrant.

> XXIII. And be it further enacted by the authority aforesaid, That the justice or justices before whom any person shall be convicted in manner prescribed by this act, shall cause every such conviction to be drawn up in the form or to the effect following:

Form of convistion.

To wit, BE it remembered, That on the year of his in the present Majesty's reign, A. B. is convicted before of his Majesty's justices of the peace for the county of or for the city of (as the case shall beppen to be) for do adjudge bim, ber, or and



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them (as the case shall be) to pay and forfeit for the same the fum of

> Given under year aforefaid.

the day and

XXIV. And be it further enacted by the authority aforesaid, No Certiorari That no Certierari, or other writ or process, for removal of any issuable to refuch conviction, or any proceedings thereon, into any of his move the con-Majesty's courts of record at Westminster, shall be allowed or viction or progranted; and that no person who shall be prosecuted under this thereon. act for any offence committed against the same, and who shall None to be be thereupon convicted, shall be prosecuted or convicted for any prosecuted a

fuch offence by or under any other law whatfoever.

XXV. And be it further enacted by the authority aforesaid, offence. That all pecuniary penalties and forfeitures which shall incur Applicationof and become payable under or by virtue of this act (the applica- the penalties, cation whereof is not herein before directed) shall, when reco- directed how covered, go and be applied in manner following; that is to fay, to be applied. Where any person or persons shall be convicted under the authority of this act, on the view of any justice or justices, then the whole money forfeited shall go to the poor of the parish or place where fuch offence shall be committed; and where any person or persons shall be convicted by the oath of one or more credible witness or witnesses, or his, her, or their own confession, for any offence against this act not done on the river Thames, one moiety of the penalty so forfeited shall go to the poor of the parish or place where any such offence shall be committed, and the other moiety thereof to or for the use of the person or persons on whose information any such offender or offenders shall be convicted; and where the party or parties shall be convicted for any offence committed against this act on the said river Thames, then one moiety of the penalty forfeited shall go to, and be applied for, the benefit of the poor of the faid corporation of Trinity House, and the other moiety thereof to the perfon or persons on whose information any person shall be convicted for any offence committed against this act on the said river Thames.

XXVI. Provided nevertheless, and it is hereby also enacted, Justices may That it shall be lawful to and for any justice or justices of the mitigate the peace who shall convict any offender or offenders against this penalties, act, from time to time, as he or they shall see cause, to mitigate or lessen any of the forfeitures or penalties incurred by any such conviction, as any fuch justice or justices in his or their discretion shall think fit, so as such mitigation doth not extend to re- so as not to mit above one moiety of the penalty forfeited by any fuch con- remit above viction; and on the payment by the person or persons who thall one moiety have been so convicted of the sum to which any such penalty or thereof. forfeiture shall be so lessened or mitigated, the person or persons who shall have been so convicted, shall be acquitted and discharged of, from, and against, the penalty or forfeiture incurred by any fuch conviction.

for the fame

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Persons aggrieved, &c. quarter feffions;

the determination there to be final. Penalties and diltreis;

and for want of diffress, offender to be committed.

Commencement and continuance of this act,

Limitation of actions.

XXVII. Provided also, and it is hereby further enacted, That if any person or persons shall find himself or themselves agmay appeal to grieved, or remain unsatisfied, in the judgment or determinathe general or tion of any justice or justices as aforesaid, then such person or persons shall or may, by virtue of this act, complain or appeal to the justices of the peace at the next general or general quarter sessions of the peace which shall be held for the county, city, or place, wherein such offence shall be committed, who are hereby impowered to fummon and examine witnesses upon oath, and to hear and determine the matter of every fuch appeal; and which determination shall be final, and shall not be removeable by Certierari, or otherwise, into any other court; and in case costs a arded, of conviction, to issue a warrant for levying or compelling, by to be revied by the means by this act prescribed, the payment of the penalties and forfeitures hereby incurred, and the reasonable charges on any fuch appeal, if fuch charges at any fuch fessions shall be awarded; and in case of nonpayment, to commit the offender or offenders, on whose goods no sufficient distress can be made, to the house of correction of the county, city, or place, where any fuch offender shall be apprehended, there to remain without bail or mainprize, and be kept to hard labour, for any time not exceeding one month, or until payment shall, before that time, be made, of the pecuniary penalty or forfeiture incurred, and the reasonable charges of every such appeal, if the fame at any fuch general or general quarter fession of the peace, shall be ordered to be paid, or composition shall be made and accepted for fuch penalty or forfeiture and charges. XXVIII. And be it further enacted by the authority afore-

faid, That the several clauses, powers, penalties, forfeitures, provisions, and matters, herein before contained, shall continue in force and be executed from and after the respective commencements thereof, until the twenty fourth day of June, one thousand seven hundred and seventy, and from thence to the end of the then next session of parliament.

XXIX. And it is hereby further enacted and declared, That if any fuit or action shall be brought or prosecuted against any perfon or persons for any thing done or to be done in pursuance of this act; in every fuch case, the action or suit shall be commenced within fix months after the fact committed, and not afterwards; and shall be laid or brought in the county, city, or place, where the cause of action arises, and not elsewhere; and the defendant or defendants in such action or suit may plead the General issue. general issue, not guilty, and give this act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this act; and if it shall appear so to be done, or if any such action or suit shall be brought after the time limited for bringing the same, then the jury shall find for the defendant or defendants; or if the plaintiff or plaintiffs shall become nonfuited, or fuffer a difcontinuance of his, her, or their action or actions, or if a verelet thall pais against the plaintiff or plaintifts, or if, upon de-

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murrer, judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have treble costs, and have Treble costs. such remedy for the same, as any defendant or defendants hath or have for costs of suit in other cases by law.

XXX. And be it further enacted by the authority aforesaid, Publick act. That this act shall be deemed and taken to be a publick act; and all judges, justices, and other persons, are to take notice

hereof.

CAP. XVII.

An all for obviating a doubt with respect to the summoning of persons for offences committed against, or forfeitures incurred by, the laws of excise.

HEREAS it has been doubted, where the commissioners of Preamble. excise and justices of the peace have respectively issued out any summons for the appearance of persons offending against, or for forfeitures incurred by, the laws of excise, or other laws made for collesting and securing the several other duties under the management of the commissioners of excise, which hath been left at the house or usual place of residence, or with the wife, child, or menial servant of such persons, whether the same should be deemed and adjudged a good and sufficient summons, and as legal and effectual a notice, as if the sume had been actually delivered to the proper hands of such person or persons, to whom the same was or were directed: now, in order to put an end to such doubt; be it hereby enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present par- Summons left liament assembled, and by the authority of the same, That every at the house, such summons, so left as aforesaid, shall be deemed to be a good of residence and sufficient summons, and as legal and effectual a notice, as of the party, if the same had been actually delivered to the proper hands of deemed legal fuch persons to whom the same was by name directed.

II. And for the future, it is hereby enacted, That in all cases In all cases rerelating to the excise, or to any of the other duties, which now lating to the or hereafter may be under the management of the commission- excite, sumers of excise (except where particular provisions and directions mons directed are or shall be enacted for summoning offenders, or for con- his right or demning of seizures made from persons unknown) the leaving assumed name, fuch summons at the house, workhouse, warehouse, shop, cel- or left at his lar, vault, or usual place of residence of such person or persons, usual place of directed to such person or persons, by his, her, or their right or deemed legal affumed name or names, shall be deemed to be, and is hereby notice. declared to be, as legal and effectual a notice and summons, to Exception. all intents and purposes, as if the same was personally given or delivered to or into the hands of the party or parties for whom the same shall be designed, and as if the same was directed the party or parties to and for whom the same shall be designed, by his, her, or their, proper name or names.



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CAP. XVIII.

An act to continue so much of an act made in the nineteenth year of the reign of his present Majesty, as relates to the further punishment of persons going armed or disguised, in defiance of the laws of customs or excise; and to the relief of the officers of the customs in informations upon seizures; and to appropriate certain penalties mentioned in an act made in the last session of parliament, for the due making of bread; and to regulate the price and assize thereof; and to punish persons who shall adulterate meal, flour, or bread.

Preamble.

Act 19 Geo. 2.

THEREAS the law here after mentioned, hath, by experience, been found useful, and beneficial, and is near expiring: may it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and confent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That so much of an act made in the nineteenth year of the reign of his present Majesty, intituled, An act for the further punishment of persons going armed or disguised, in defiance of the laws of customs or excise; and for indemnifying offenders against those laws, upon the terms therein mentioned; and for relief of officers of the customs in informations upon seizures, which act was to continue in force for the space of seven years, and from thence to the end of the then next session of parliament; as relates to the further punishment of persons going armed or difguifed, in defiance of the laws of customs or excise, and to the relief of officers of the cultoms in informations upon seizures; which, by an act made in the twenty fixth year of the reign of his faid Majesty, was further continued from the expiration thereof until the twenty fourth day of June one thousand seven hundred and fifty eight, and from thence to the end of the then

further continued to 29 5 p . 1764.

end of the then next fession of parliament. II. And whereas several of the penalties or forfeitures made bayable by an act passed in the thirty first year of his present assists's Act 31 Geo. 2. reign, intituled, An act for the due making of bread; and to 1egulate the price and affize thereof; and to punish persons who shall adulterate meal, flour or bread; were not by juch faid laft mentioned att appropriated how or to whom the Same Should, when paid or recovered, go or be distributed; be it therefore further enacted Distribution of by the authority aforesaid, That such of the penalties or forthe unappro- feitures which, from and after the twenty fourth day of June one thousand seven hundred and fifty nine, thall incur or become features under payable by or under the faid last mentioned act, or by reason of any thing therein contained (as by the faid act are not particu-

next session of parliament, shall be further continued from the

expiration thereof, until the twenty ninth day of September one

thousand seven hundred and fixty four, and from thence to the

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larly disposed of, or appropriated, how or to whom the same should go or be applied) shall, when the same shall be recovered or paid, go, and be distributed, in manner following; that is to viz. One moifay, One moiety thereof, where any offender or offenders shall ety to the probe convicted, either by his, her, or their own confession, or by secutor, where the oath of one or more credible witness or witnesses, shall go the offender and be paid to the person or persons who shall inform against, shall be conand profecute to conviction, any fuch offender or offenders; and or felf conferthe other moiety thereof, and also all penalties and forfeitures, sion; which, from the faid twenty fourth day of June one thousand and the other feven hundred and fifty nine, shall incur, be due, or payable, moiety, with under the faid last mentioned act, on the weighing, trying, or on weighing, feizure of any bread, by any magistrate or magistrates, justice or trying, or justices, shall go and be applied for the better carrying into exe-feizure of cution the purposes of the said last mentioned act, as any such bread, by a magistrate or magistrates, justice or justices, within his or their such purposes respective jurisdiction, shall, from time to time, think fit, and as the magiorder.

ftrate Chall think at.

CAP. XIX.

An all to explain and amend an all passed in the thirtieth year of his present Majesty's reign, for granting to his Majesty several rates and duties upon indentures, leases, bonds, and other deeds; and upon news papers, advertisements, and almanacks; and upon licences for retailing wine; and other purposes in the said att mentioned; so far as the same relates to some provisions with regard to licences for retailing wine; and to preserve the privileges of the two universities in that part of Great Britain called England, with respect to licences for retailing wine.

THEREAS by an act passed in the thirtieth year of his Preamble. present Majesty's reign, intituled, An act for granting to Act 30 Geo. 2. his Majesty several rates and duties upon indentures, leases, bonds, and other deeds; and upon news papers, advertisements, and almanacks; and upon licences for retailing wine; and upon coals exported to foreign parts; and for applying from a certain time the sums of money arising from the surplus of the duties on licences for retailing spirituous liquors; and for raising the sum of three millions by annuities, to be charged on the faid rates, duties, and fums of money; and for making perpetual an act made in the second year of the reign of his present Majesty, intituled, An act for the better regulation of attornies and folicitors; and for enlarging the time for filing affidavits of the execution of contracts of clerks to attornies and folicitors; and also the time for payment of the duties omitted to be paid for the indentures and contracts of clerks and apprentices; it toos amongst other, Recital of a things enacted, That from and after the firth day of July one theufand clause in the feven hundred and fifty feven, no perjon whatforver, une's authorized faid act. and enabled, by taking out such licence as is therein preferibed, subject

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to the payment of such duties as are therein respectively charged theres.pon, sould sell or utter by retail (that is) by the pint, quart, pottle, or gallon, or by any other greater or leffer retail measure, or in bottles, in any less quantity than should be equal to the measure of the cask or reffel in which the same should have been or might lawfully be imported, any kind of wine or wines, or any liquor called or reputed wine, upon pain to forfeit for every such offence, the sum of one hundred pounds: And whereas the faid penalty of one hundred pounds inflicted by the Said recited act of the thirtieth year of his present Majesty's reign, on all persons selling wine, or other liquor called or reputed wine, by retail, without a licence, in many inflances is found to be attended with great inconvenience, and the greatest circumstances of hardship, and scarce ever to be recovered, on account of the largeness thereof; and which said penalty the commissioners for management of the said duties are not invested with any power to mitigate: now therefore, be The commif. it enacted by the King's most excellent majesty, by and with fioners are im- the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for tion, the rool, the commissioners for management of the said duties, or any two penalty in the of them, where they shall see cause, to mitigate or lessen the said recited clause; penalty of one hundred pounds already incurred, or hereafter to be incurred by all or any person or persons whatsoever, by virtue or in consequence of the said recited act of the thirtieth year of his present Majesty's reign, as they in their discretion, shall think fit; the reasonable costs and charges of the officers and informers, as well in making the discovery, as in the prosecution of the fame, being always allowed over and above fuch mitigation; any thing contained in any former act of parliament to the are to be allow- contrary notwithstanding.

11. And whereas doubts and difficulties have arisen on the said recited all of the thirtieth year of his present Majesty's reign, whether wine merchants and other persons applying for a number of wine licences at one time, for enabling divers persons to sell wine by retail, were or are intitled to the benefit of the several discounts, drawbacks, and allowances, usually made and allowed to persons paying for a number of stamps at the same time, amounting to ten pounds, and upwards: Now therefore, for obviating such doubts and difficulties for the future, be it enacted by the authority aforefaid, Thatno person or perions whatfoever paying for any number of wine licences at one and the same time, or at different times, shall be intitled to any discount, drawback, or allowance whatsoever, for or on account of such payment for any number of wine licences whatfoever; but that the said duty imposed by the said in part recited act of the thirtieth year of his present Majesty's reign on wine licences, shall be paid by all persons applying for the same, clear of all discounts, drawbacks, and allowances whatsoever; any thing contained in any former act of parliament to the contrary notwithstanding.

III. And be it further enacted by the authority aforesaid, That no person or persons whatsoever licensed, or to be licensed, by

powered to mitigate, at their difere-

but the cofts and charges of the information and profecution, &c. ed over and above fuch mitigation.

No discount or drawback of the duty on wine licences, to be alloved on taking out any number thereof.

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virtue of the said in part recited act of the thirtieth year of his One licence to present Majesty's reign, to retail wine, shall, by virtue of one ferve but one house or place. licence, keep more than one place, house, shop, vault, cellar, Retailers to warehouse, or other place, for selling or uttering wine by retail; have the word and that every retailer of wine shall cause the word WINE to be WINB, exwritten or expressed in legible characters, either on a sign hung pressed on their signs or out, or in some visible place in or near the door in the front of houses, &c. his or her house, shop, vault, cellar, warehouse, or other place, made use of for the retailing of wine, to denote that such retailer is a dealer in wine, and subject and liable to take on penalty of out a licence for the retailing thereof; and if any person or 101. persons shall presume to fell or utter wine by retail, without fixing or hanging out such token as aforesaid, every person so offending shall, for every such offence, forfeit the sum of ten pounds, to be recovered in the same manner as the penalty inflicted on persons for selling wine by retail without licence is di- subject howrected to be recovered; subject nevertheless to the like power of ever to mitigamitigation to be exercised by the commissioners of stamp duties, tion by the as in this act is before referved and prescribed with regard to the penalty for felling wine by retail without licence.

IV. Provided always, and be it further enacted by the autho- Privileges of rity aforesaid, That nothing in this or any former act of parlia- the two uniment, relating to wine licences, shall in any wife be prejudicial versities referto the privileges of the two universities in that part of Great ved to them. Britain called England, or either of them, or to the chancellors or scholars of the same, or their successors, but that they may use and enjoy such privileges as they have heretofore lawfully used and enjoyed; any thing to the contrary thereof in any wife not-

withstanding.

CAP. XX.

An att for enforcing the execution of the laws relating to the militia; and for removing certain difficulties, and preventing inconveniencies, attending, or which may attend, the Jame.

THEREAS certain counties, ridings, and places, within that Preamble. part of Great Britain called England, have made some progress in establishing the militia, according to the regulations and directions of an all paffed in the thirtieth year of his Majesty's reign, inti- Alt 30 Geo. 2. tuled, An act for the better ordering of the militia forces in the feveral counties of that part of Great Britain called England, and of an act passed in the thirty first year of his Majesty's reign, intitu- and 31 Geo. 2. led, An act to explain, amend, and enforce the faid act; but have not yet completed the same : And whereas, in certain other counties, The recited ridings, and places, little progress has been made therein; his Maje- acts, and this fly's lieutenants, and the deputy lieutenants, and all others within such act, required counties, ridings, and places, are hereby strictly required speedily and peedy execudiligently to put the said acts, and this act, in execution: And, for tion in such removing certain difficulties, and preventing inconveniencies, attending, counties. &c. or which may attend, the execution of the faid acts; be it enacted by where little the King's most excellent majesty, by and with the advice and been made

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A general meeting to be held for ap pointing and fubdivition meetings of the deputy lieutenants.

Subdivision be changed, as shall be found convenient. When a lufficient number **fubdivition** meeting, the clerk is to give notice of another meet-

Deputy lieutenants and justices are annually to cause the lifts described by Act 31 Geo. 2. to them in their fubdivifion meetings, at the times general meeting; and all other the regulations, provifions and directions of the in the year plied with, and executed as the cale mail require;

confent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That in every county, riding, and place, within the part of Great Britain aforefaid, it shall be lawful for his Majesty's lieutenant together with any two or more deputy lieutenants, regulating the and on the death or removal, or in the absence, of his Majesty's lieutenant, or the deputy lieutenants, or any three or more of them, at a general meeting to be held after reasonable notice thereof given by his Majesty lieutenant, or by any two deputy lieutenants, to appoint subdivisions of the deputy lieutenants within their respective counties, ridings, and places, and the times and places for their first meetings within the said subdivifions; and also to change or after such subdivisions, or any submeetings may division or subdivisions now appointed therein, whenever they shall find it convenient so to do; any thing in the said acts, or either of them, contained to the contrary notwithstanding.

II. And be it enacted, That if it shall happen that there shall not appear at any subdivision meeting, a sufficient number of deputy lieutenants, and justices of the peace, to act, the clerk to act thail not of such meeting thall, by notice given in writing to all the deputy lieutenants within such subdivision, appoint another meeting to be held within fourteen days, at the lame place where such meeting had been before appointed to be held, giving at least five

days notice thereof.

ing to be held within 14 days after. III. And be it enacted, That the deputy lieutenants, or any three or more of them, or any two deputy lieutenants, together with any one justice of the peace, or any one deputy lieutenant, together with any two justices of the peace, in their several subdivitions, thall annually cause the litts of such persons in the feveral parithes, tythings, and places, within the fame, as are in to be returned the faid act passed in the thirty first year of his Majesty's reign described, to be made, and to be returned to them at their meetings within the respective subdivisions, on such days, and at fuch places, respectively, as his Majesty's lieutenant, together and places ap- with any two or more deputy lieutenants, or on the death or pointed at the removal, or in the absence, of his Majesty's lieutenant, any three or more deputy lieutenants, shall, at a general meeting, appoint; and that in the ordering, making out, and disposing of, fuch lifts, and copies thereof, and also in all particulars subfequent to such first return so made, so much of the said lastmentioned act as relates to the method to be observed in returnfaid act, fable- ing, amending, and disposing of, the said lists, and copies quent thereto, thereof, and to the appointing, choosing, summoning, and and required inrolling, the militia men, and their substitutes, and adminito be observed stering the oath therein directed to be taken, and to the punish-1758, are to ing persons resusing or neglecting to take the said oath, or to be duly com- provide substitutes, and to the exemption of certain persons from ferving in the militia, and to the appointing general meetings, and all subdivision meetings after the said first subdivision meetings, and is by the said act required to be observed in the



Anno tricesimo secundo Georgii II c. 20. 1759.

year one thousand seven hundred and fifty eight; shall be observed and executed, either in the whole, or in part, as the case shall require, until all the regulations, provisions, and directions, therein and herein contained, and which relate to the purposes aforesaid, be fully completed and performed : and that thereafter the method in the method in the said act, and this act, prescribed for the per- this and the formance of all the particulars here mentioned, shall be annually said act preobserved for and during the continuance thereof.

IV. And be it enacted, That each person liable to serve in observed. the militia having more than one place of refidence, shall be Militia man deemed to be, and shall serve as, a militia man within the having more county, riding, or place, where he shall have been first chosen by than one

lot.

V. And be it enacted, That it shall be lawful for the mayors, serve where bailiffs, constables, tythingmen, headboroughs, and other chief he was first magistrates and officers, of cities, towns, parishes, tythings, vil-chosen. lages, and other places, within the part of Great Britain afore- Magistrates to faid, and, in their default or absence, for any one justice of the billet serjeants peace inhabiting in or near to any fuch city, town, parish, ty- and drumthing, village, or place, and for no others, and they are hereby mers in inns, required to quarter and billet the serjeants and drummers serving livery stables, and ale-houin the militia, in inns, livery stables, ale-houses, victualling- fes, &c. houses, and all houses of persons selling brandy, strong waters, cyder, or metheglin, by retail; the occupiers whereof are hereby Convenient required to provide for such serjeants and drummers, at such lodgings to be times for which no provision has by law been made for that found them.

purpose, convenient lodgings only.

VI. Provided always, and be it enacted, That the effates re- Qualifications quisite for the qualification of the deputy lieutenants and officers of officers in of the militia, in the isle of Ely in the county of Cambridge, shall the isle of Ely; be as follows; a deputy lieutenant shall be seised or possessed, for a deputy either in law or equity, for his own use and benefit, in possession lieutenant of a freehold, copyhold, or customary estate for life, or for some 2001. per ann. greater estate, or of an estate for some long term of years, determinable on one or more life or lives, or of an estate for a certain term, originally granted for twenty years, or more, and renewable, over and above all rents and charges payable out of, or in respect of, the same, in manors, messuages, lands, tenements, or hereditaments, in England, Wales, or the town of Berwick upon Tweed, of the yearly value of two hundred pounds; a captain shall be, in like manner, seised or possessed of a like estate for a captain as aforesaid, of the yearly value of one hundred pounds; or be sool. per ann. heir apparent of a person who shall be, in like manner, seised or possessed of a like estate as aforesaid, of the yearly value of two hundred pounds; a lieutenant or enfign shall be, in like for a lieutemanner, feised or possessed of a like estate as aforesaid, of the nant or ensign yearly value of fifty pounds; or be heir apparent of a person who sol. per ann. shall be, in like manner, seised or possessed of a like estate as aforefaid, of the yearly value of one hundred pounds: one half of A moiety of all which estates respectively shall be situate or arising within the all estates to faid isle: and in case any person shall act as a deputy lieutenant, be situate or

scribed, is to be annually place of refi-



Penalty of acting where not qualified.

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or officer of the militia, in the said isle, who shall not be respectively qualified as aforesaid, every such person shall be subject
and liable to the same penalties and forfeitures as any person is
subject and liable to for acting as a deputy lieutenant or officer
of the militia, within any other part of the said county of Cambridge, not being qualified according to the directions of the said
recited acts; any thing therein contained to the contrary notwithstanding.

Continuance of the act.

VII. Provided always, and be it enacted, That this act shall be and remain in force, for and during the continuance of the said recited acts, and no longer.

CAP. XXI.

An act for applying the money granted in this session of parliament, towards defraying the charge of pay and cloathing for the militia, from the thirty first day of December one thousand seven hundred and fifty eight, to the twenty fifth day of March one thousand seven hundred and fixty.

Preamble. Treasury to repay the 1,3321. 10s. advanced by his Majesty, in pursuance of the address from the commons. The money received to be accounted for to the receivers general of the land tax. Treatury, upon certificate that the number of officers and private men required in a regiment or battalion, are inrolled, &c. are to iffue warrants to the receivers general for pay of the militia, four months in advance. The rates of pay to the adjutant; to non-commission officers, and private men; to the clerk of the battalion or regiment; and to the clerks of the general or subdivision meetings: rates for cloathing. Warrant to be delivered to the lieutenant of every county, &c. where the militia has been already cloathed, for payment of the rates for the additional cloathing, Warrants also to be issued for making the regular payments and issues, without new certificates from the lieutenants or deputy lieutenants for that purpose. The money to be paid to the clerks of the battalions, and four months pay in advance, to be paid within 14 days after the expiration of every three months. Clerks receipts to be a discharge to the receivers general. Clerk to pay one month's pay in advance to the adjutant, 14 days to the ferjeant major and drum major, and two months in advance to each captain for his company. Captain to account yearly to the clerk for the pay of his company, and pay over the balance; money allowed for contingent expences, excepted; which is also to be accounted for annually, but the balance to be applied to the general use of the battalion. Clerk to retain money to make good his own falary; and discharge the cloathing account. Allowance of 51. 5s. to be paid to the clerks of the general meetings, and of 11. 1s. to the clerks of the subdivision meetings, for each meeting. Clerk of the battalion to give fecurity. The bond to be lodged with the receiver general, and on nonperformance of the conditions to be put in fuit by him, who is to receive full costs of suit, and 51. per cent of the money recovered thereon; residue to be accounted for to the auditor of the exchequer. Clerk of the battalion to render an account to the receiver general of the monies received and disburfed, with vouchers for the fame, and pay over the balance; the faid account to be transmitted to the auditor. Lieutenant neglecting to take proper fecurity, or lodge the same with the receiver general, is made answerable for any loss of the publick money. Recovery of penalties, &c. No fee to be paid for issuing warrants for payment of money.

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CAP. XXII.

An all for adding certain annuities granted in the year one thousand seven bundred and fifty seven, to the joint stock of three per centum annuities, consolidated by the acts of the twenty fifth, twenty eighth, and twenth ninth, years of his present Majesty's reign; and for carrying the several duties therein mentioned to the finking fund; and for charging the annuities on fingle lives, granted in the year one thousand seven bundred and fifty seven, on the produce of the said fund.

WHEREAS, in pursuance of an act of parliament made in Preamble, re-An act for granting to his Majesty several rates and duties upon act 30 Geo. 2. indentures, leafes, bonds, and other deeds; and upon news papers, advertisements, and almanacks; and upon licences for retailing wine; and upon coals exported to foreign parts; and for applying, for a certain time, the sums of money arising from the furplus of the duties on licences for retailing spirituous liquors; and for raising the sum of three millions, by annuities, to be charged on the said rates, duties, and sums of money; and for making perpetual an act made in the second year of the reign of his present Majesty, intituled, An act for the better regulation of attornies and folicitors; and for enlarging the time for filing affidavits of the execution of contracts of clerks to attornies and folicitors; and also the time for payment of the duties omitted to be paid for the indentures and contracts of clerks and apprentices; several persons, bodies politick or corporate, have advanced and lent the sum of three millions upon the credit of the several rates, duties, and sums of money, by the said all granted, for the purchase of annuities after the rate of three pounds per centum per annum, transferrable at the bank of England, and redeemable by parliament; and also of annuities on single lives, payable at the receipt of the exchequer in respect of the same: and whereas it is thought necessary that the said principal sum of three millions should be (with the consent of the proprietors thereof, to be signified within the time herein after mentioned) added to, and made a part of, the joint flock of three pounds per centum transferrable annuities at the bank of England; and that the charges and expences in respect thereof should be charged upon, and paid out of, the fund commonly called The Sinking Fund, until redemption thereof by parliament, in the same and like manner as the annuities aforesaid are paid and payable; and that the several annuities on single lives, payable at the exchequer in respect of the aforesaid three millions, should likewise be charged upon, and made payable out of, the produce of the faid finking fund; and that the several rates, duties, and sums of money, which by the said att were made a fund for payment of the Said three pounds per centum annuities, as also of the Several annuities on single lives, should be carried to, and made a part of, the faid fund commonly called The Sinking Fund: may it

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The fum of 3,000,0001. borrowed by virtue of the recited act, to be added, by confent of the proprietors, to the joint stock of 31. per cent. confolidated annuities transferrable at the bank; and to be paid out of the tinking fund:

therefore please your most excellent Majesty, that it may be enacted; and be it enacted by the King's most excellent majeity, by and with the advice and confent of the lords spiritual and temporal, and commons, in this present parliament affembled, and by the authority of the same, That from and after the fifth day of January one thousand seven hundred and fifty nine, the principal fum of three millions borrowed by virtue of the faid before recited act, carrying an interest after the rate of three pounds per centum per annum, payable at the bank of England, shall, with the consent of the proprietors as aforesaid, be added to, and made a part of, the joint stock of three pounds per centum transferrable annuities at the bank of England, confolidated by the acts made in the twenty fifth, twenty eighth, and twenty ninth, years of his present Majesty's reign, and shall be transferrable at the bank of England; and the charges and expences in respect thereof shall be charged upon, and paid out of, the fund commonly called The Sinking fund, until redemption thereof by parliament, in the same and like manner as the annuities confolidated as aforefaid are paid and payable; any thing in the faid act made in the thirtieth year of his prefent Majesty's reign to the contrary thereof in any wife notwithftanding.

And fuch as their diffent before 20 June 1759, to be ing thereto.

II. And be it further enacted by the authority aforesaid, That shall not enter such proprietors who shall not, on or before the twentieth day of June one thousand seven hundred and fifty nine, signify their diffent to fuch confolidation as aforefaid, in books to be opened deemed affent- at the bank of England for that purpose, shall be deemed and taken to affent thereto; any thing to the contrary thereof in any wife notwithitanding.

The life annuto be allo paid out of the finking fund.

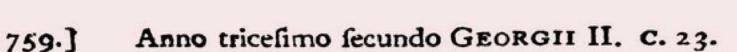
III. And be it further enacted by the authority aforesaid, That ities thereupon from and after the said fifth day of January one thousand seven hundred and fifty nine, the feveral annuities on fingle lives by the faid act granted, payable at the exchequer in respect of the aforesaid three millions, shall be charged upon, and made payable out of, the produce of the faid fund commonly called The Sinking Fund; any thing to the contrary thereof in any wife notwithstanding.

Produce of the additional Ramp duties,

IV. And be it further enacted by the authority aforesaid, That all the monies which have arisen since the fifth day of 7amuary one thouland leven hundred and fifty nine, or that shall or may hereafter arise, of the produce of the several additional stamp duties on pamphlets and printed papers, the additional duty on coals exported, the furplus on the new duty on licences for retailing wine, and the furplus on the duties on licences for retailing spirituous liquors, which were made a fund for payment of three pounds per centum per annum at the bank of England, on three millions borrowed by virtue of the faid act made in the and retailing thirtieth year of the reign of his present Majesty, towards the quors granted supply of the year one thousand seven hundred and fifty seven, by act 30 Geo as also of the annuities on single lives, payable at the receipt of the exchequer in respect of the same, thall be carried to, and

the duty on coals exported, and furpius of the new duty on wine licences,

made



made a part of, the fund commonly called The Sinking Fund; Life annuities and the same shall be deemed and taken to be part of the said the seupon, to sinking fund, and shall be issued and applied to such uses and or the sinking purposes as the several excesses, surplusses, or overplus monies, sund and apcomposing the said finking fund, are or may be issued and applied accordance in any thing in the said before recited act to the contrary ingly.

CAP. XXIII.

An act to continue several laws therein mentioned, relating to the allowing a drawback of the duties upon the exportation of copper bars imported; to the encouragement of the filk manufactures; and for taking off several duties on merchandize exported, and reducing other duties; to the premium upon masts, yards, and bowsprits, tar, pitch, and turpentine; to the encouraging the growth of coffee in his Majesty's plantations in America; to the securing the duties upon foreign made sail cloth, and charging foreign made sails with a duty; and for enlarging the time for payment of the duties omitted to be paid on the indentures and contracts of clerks, apprentices, or servants; and also for making assidavits of the execution of articles or contracts of clerks to atternies or sollicitors, and sling thereof.

WHEREAS the laws herein after mentioned, which have by Preamble. experience been found wieful and beneficial, are near expiring : may it therefore please your most excellent Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament affembled, and by the authority of the same, That a clause in an act Clause in an fly King William the Third, intituled And to Cite the trade will 3. relatfly King William the Third, intituled, An act to little the trade to ing to a draw-Africa; for allowing, during a limited time, a drawback of the back of the duties upon the exportation of copper bars imported; and duties upon which clause was to continue in force for the term of thirteen copper bars, years, and from thence to the end of the then next fellion of &c. parliament; and which clause, after the expiration thereof, was, by an act made in the twelfth year of the reign of her late majesty Queen Anne, revived and continued; and also a proviso in the last mentioned act contained, That no drawback should be allowed on the exportation of any copper, but such as had been or should be imported from the East In lies and the coast of Barbary only; and which faid clause and proviso, by several and the provisubsequent acts of the thirteenth year of the reign of Lis late tim fixth years of the reign of his prefent Majesty, were continued to their to until the twenty fourth day of June, one thou, and feven hun-

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further continued to 24 June, 1766.

dred and fifty eight, and from thence to the end of the then next fession of parliament; shall be, and the same are hereby further continued, from the expiration thereof, until the twenty fourth day of June, one thousand seven hundred and sixty six, and from thence to the end of the then next session of parliament.

Part of act ing to the encouragement nufactures. further continued to 24 June, 1766.

II. And be it further enacted by the authority aforesaid, That 8 Geo.1. relat- fo much of an act made in the eighth year of the reign of his late majesty King George the First, for the encouragement of of the filk ma- the filk manufactures of this kingdom; and for taking off feveral duties on merchandizes exported; and for reducing the duties upon beaver skins, pepper, mace, cloves, and nutmegs, imported; and for importation of all furs of the product of the British plantations, into this kingdom only; and that the two corporations of affurance, on any fuits brought on their policies, shall be liable only to single damages and costs of suit; as relates to the encouragement of the filk manufactures of this kingdom, and to the taking off several duties on merchandizes exported; which was to continue in force for three years, from the twenty fifth day of March, one thousand seven hundred and twenty two, and from thence to the end of the then next fession of parliament; and which, by several subsequent acts made in the eleventh year of the reign of his late majesty King George the First, and in the second, eighth, fifteenth, twentieth, and twenty fixth years of the reign of his present Majesty, hath been continued until the twenty fourth day of March, one thousand feven hundred and fifty eight, and from thence to the end of the then next session of parliament; shall be, and the same is hereby further continued from the expiration thereof, until the said twenty fourth day of June, one thousand seven hundred and fixty fix, and from thence to the end of the then next fession of parliament.

So much of 2. &c. as relates to premiums on pitch, &c. continued to 24 June, 1766.

III. And be it further enacted by the authority aforesaid, the act 2 Geo. That so much of an act made in the second year of the reign of his present Majesty, for the better preservation of his Majesty's woods in America, and for the encouragement of the importamails, tar, and tien of naval stores from thence; and to encourage the importation of masts, yards, and bowsprits, from that part of Great Britain called Scotland; as relates to the premiums upon masts, yards, and bowsprits, tar, pitch, and turpentine, which was to continue in force from the twenty ninth day of September, one thousand seven hundred and twenty nine, for the term of thirteen years, and from thence to the end of the then next session of parliament; and which, by several subsequent acts made in the thirteenth and twenty fourth years of his said Majesty's reign, was further continued until the twenty fifth day of December, one thousand seven hundred and fifty one, and from thence to the end of the then next session of parliament; and which, by another act made in the twenty fifth year of the reign of his faid Majesty, was amended, and further continued until the twenty fifth day of March, one thousand seven hundred and

fifty

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fifty eight, and from thence to the end of the then next session of parliament; shall be, and the same is hereby further continued from the expiration thereof, until the said twenty fourth day of June, one thousand seven hundred and sixty six, and from thence to the end of the then next session of parliament.

IV. Provided, That no bounty shall be paid upon any tar, Quantity of unless each barrel shall contain thirty one gallons and one half; tar in each and that the officers who furvey fuch barrel, shall not furvey barrelintitled the same, till the water shall be all drawn off, and every barrel to be less than

filled up with tar.

V. And be it further enacted by the authority aforesaid, That Act 5 Geo. 2. an act made in the fifth year of the reign of his present Maje- for encoufty, for encouraging the growth of coffee in his Majesty's plan-raging the tations in America, which was to continue in force from the growth of twenty fifth day of March, one thousand seven hundred and nued to 24 thirty five, until the twenty fifth day of March, one thousand June, 1766. seven hundred and thirty nine, and from thence to the end of the then next session of parliament; and which, by several subsequent acts made in the eleventh, nineteenth, and twenty fifth years of his said Majesty's reign, was further continued until the twenty fifth day of March, one thousand seven hundred and fifty eight, and from thence to the end of the then next session of parliament; shall be, and the same is hereby further continued from the expiration thereof, until the faid twenty fourth day of June, one thousand seven hundred and fixty fix, and from thence to the end of the then next session of parliament.

VI. And be it further enacted by the authority aforesaid, Act 19 Geo. 20 That an act made in the nineteenth year of the reign of his for securing present Majesty, for the more effectual securing the duties now the duties on payable on foreign-made sail cloth imported into this kingdom, foreign-made payable on foreign-made fail cloth imported into this kingdom; fail cloth imand for charging all foreign-made fails with a duty; and for ported, &c. explaining a doubt concerning ships being obliged, at their first continued to fetting out to sea, to be furnished with one complete set of sails 24 June, 1766. made of British fail cloth; which was to continue in force from the twenty fourth day of June, one thousand seven hundred and forty fix, for the term of feven years, and from thence to the end of the then next session of parliament; and which, by another act made in the twenty fixth year of the reign of his prefent Majesty, was further continued until the twenty fourth day of June, one thousand seven hundred and fifty eight, and from thence to the end of the then next session of parliament; shall be, and the same is hereby further continued from the expiration thereof, until the faid twenty fourth day of June, one thousand feven hundred and fixty fix, and from thence to the end of the then next fession of parliament.

VII. And, for the relief of persons who through neglect or inadvertency have omitted to pay the several rates and duties upon money given, paid, contracted, or agreed for, with or in relation to any clerk, apprentice, or servant, who hath been put or placed to or with any master or mistress, to learn any profession, trade, or employment, and to have the indenture, or other writing which contains the cove-Hh VOL. XXII. nants,

32 gallons.

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Further time allowed to 1 Sept. 1759, for payment of the duties paid on articles of indentures, and for tendering the fame to be stamped.

Indentures, on payment of ftamping thereof, declared to be walid, &cc.

and the parties acquitted

Notice of this clause to be published in the Gazette.

Further time allowed to 1 Sept. 1759. for making execution of

nants, articles, contracts, or agreements, relating to the service of any such clerk, apprentice, or servant, stamped within the times by the several acts of parliament for those purposes respectively limited, or who have neglected or omitted to infert and write in words at length, in any such indenture, or other writing, as aforefaid respectively, the full sum or sums of money received or in any wife directly or indirectly given, paid, agreed, or contracted for, with or in relation to any such clerk, apprentice, or servant, as aforesaid; be it further enacted, That upon payment on or before the first day of September, one thousand seven hundred and fifty nine, of the rates and duties neglected or omitted to be paid upon any money given, paid, contracted, or agreed for, with or in relaomitted to be tion to any clerk, apprentice, or servant, as aforesaid, to such person or persons to whom the same ought to be paid, the indenture or other writing by which any fuch clerk, apprentice, or fervant, was respectively put out as aforesaid, shall, on the fame being tendered at the proper place in the stamp office (where the same ought to have been stamped) during the time of office hours, be stamped with the proper stamp forthwith after every fuch payment and tender of every fuch respective indenture or writing shall be there made; and every such indenture, or other writing, as aforefaid, being so stamped, shall be good and available in law and equity, and may be given in evithe duties, and dence in any court what soever; and the several clerks, apprentices, or fervants, therein respectively named, shall be capable of following and exercifing their respective intended profession, trade, employment, or business, as fully as if the rates or duties so neglected or omitted to have been paid, had been duly paid, and as if the full fum or fums of money received or agreed to be paid as aforefaid, had been inferted and wrote in words at length in every such indenture, or other writing, as aforesaid respectively; and that all and every person and persons who hath or have incurred any penalty by any such neglect or omission, as aforesaid, shall be acquitted and discharged of, from, and against of the penalty. the same; any thing in any former act to the contrary hereof notwithstanding: and the commissioners of his Majesty's stamp duty are hereby required, with all convenient speed, after the passing this act, to cause notice of this clause to be published in the London Gazette, in such manner as they shall think fit.

VIII. And whereas some persons have omitted to cause affidavits to be made, and afterwards to be filed in the proper offices, of the actual execution of several contracts in writing entered into by them, to serve as clerks to attornics or solicitors, within the time in which the same ought to have been done, and many infants, and others, may thereby incur certain disabilities: for preventing whereof, and for relieving fuch persons; be it likewise enacted by the authority aforesaid, That every person who hath neglected or omitted to cause any such affidavit or affidavits as aforesaid to be made and filed, and who on or before the first day of September, one thousand and filing af- feven hundred and fifty nine, shall cause one or more affidavit or fidavits of the affidavits to be made, and afterwards to be filed in field in affidavits to be made, and afterwards to be filed, in fuch manner as



Anno tricesimo secundo GEORGII II. C. 24. 1759.

the same ought to have been made and filed, in due time, shall contracts to be, and is hereby indemnified, freed, and discharged, from and serve as clerks against all penalties, forfeitures, incapacities, and disabilities, in &c. or by any act or acts of parliament mentioned and incurred, or to be incurred, for or by reason of any such neglect or omission, in not causing such affidavit or affidavits to be made and filed, in fuch manner as the same ought to have been; and every such affidavit and affidavits so to be made, and which shall be duly filed, on or before the faid first day of September, one thousand seven hundred and fifty nine, as aforesaid, shall be as effectual to all intents and purposes, as if made and filed within the respective times the same ought, by the laws now in being for that purpose, to have been so made and filed.

CAP. XXIV.

An act to amend an act made in the last session of parliament, for repealing the duty granted by an act made in the fixth year of the reign of his late Majesty on silver plate, and for granting a duty on licences to be taken out by all persons dealing in gold or silver plate, by permitting the sale of gold or silver plate in small quantities without licence; and by granting a duty instead of the duty now payable upon licences to be taken out by certain dealers in gold or filver plate: and also a duty upon licences to be taken out by pawnbrokers dealing in gold or silver plate, and refiners of gold or filver.

THEREAS by an act made in the last Session of parliament, Preamble, rewintituled, An act for repealing the duty granted by an act citing clause made in the fixth year of the reign of his late Majesty, on filver in act 31 Geo. plate, made, wrought, touched, assayed, or marked in Great Britain; and for granting a duty on licences to be taken out by all persons dealing in gold or silver plate; and for discontinuing all drawbacks upon filver plate exported; and for more effectually preventing frauds and abuses in the marking or stamping of gold or filver plate; it was enacted, That in lieu of the duty thereby repealed, there shou'd, from and after the fifth day of July, one thousand seven bundred and fifty eight, be paid unto his Majesty, his heirs, and successors, a duty of farty shillings for every licence to be taken out in manner therein after-mentioned, by each person trading in, felling, or vending gold or filver plate, and by the faid act fuch licences were directed to be taken out annually; and it was also thereby further enacted, That all persons using the trade of selling or vending gold or filver plate, or any goods or wares composed of gold or filver, or any goods or wares in which any gold or filver was or should be manufactured, and also all persons employed to fel! any gold or silver plate. or any fuch goods or wares aforefaid, at any auction, or publick fale, or by commission, should respectively be deemed traders in, sellers or venders of, gold or filver plate, within the intent and meaning of the Said all, and should take out a licence for the same : and whereas for

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much of the said last recited clause, as directs that every person trading in, selling, or vending gold or silver plate, or any goods or wares composed of gold or silver, or any goods or wares in which any gold or filver was or should be manufactured, should take out a licence for that purpose, has been found detrimental to the toy and cutlery trades of this kingdom: and your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament affembled, are therefore defirous that all persons may be permitted to trade in, sell, or vend any goods or wares in which the gold or filver shall not exceed the respective quantities berein after mentioned, without being obliged to take out a licence for that purpose, and in lieu thereof, to grant unto your Majesty a duty upon such licences as are herein after mentioned; and therefore do most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and confent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the fifth day of July, one thousand seven hundred and fifty nine, no persmall gold and son or persons whatsoever shall be subject or liable to take out any licence for or in respect of his, her, or their trading in, vending, or felling, any quantity of gold not exceeding two penny weights in any one separate and distinct ware or piece of for the same; goods, or any quantity of filver not exceeding five penny weights in any one separate and distinct ware or piece of goods; but that all persons may, from time to time, after the said fifth day of July one thousand seven hundred and fifty nine, trade in, vend, or fell, any ware or piece of goods, in which the gold or filver shall not exceed the respective quantities aforesaid, without being subject in respect thereof to any penalty for not having taken out a licence, or paid the duty granted by the faid act made in the last session of parliament; any thing in the said act contained to the contrary notwithstanding.

but fuch as shall trade in, quantities, as alfo pawnbrokers, and refiners, to take out a licence, for which they are to pay 5 l.

Traders in, or

venders of,

filver wares, exempted

from taking

out a licence

II. And, in order to make good any deficiency which may happen in the produce of the said duty, by reason of the exemption aforesaid; be it further enacted by the authority aforesaid, That there shall, from and after the said fifth day of July, one thousand or vend larger feven hundred and fifty nine, be paid unto his Majesty, his heirs, and fuccessors, a duty of five pounds for every licence to be taken out by each trader in, vender or seller of, gold or silver plate, or of any goods or wares in which any gold or filver is or shall be manufactured, who shall trade in, vend, or fell, any piece of plate, or goods, or any ware in which the gold or filver shall be of the respective weights herein after mentioned, or of any greater weight, and by all pawnbrokers trading in, vending, or felling, gold or filver plate, or any goods or wares in which any gold or filver is or shall be manufactured, and all refiners of gold or filver.

What quantity of gold or filver wares shall subject the traders

III. And be it further enacted by the authority aforesaid, That from and after the said fifth day of July, one thousand seven hundred and fifty nine, no person or persons whatsoever, who now, or at any time or times hereafter, doth, do, or shall trade in, vend

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or fell, any gold or filver plate, or any goods or wares in which in, or venders any gold or filver is or shall be manufactured, shall presume by thereof, to him, her, or themselves, or by any other person or persons take out a whatsoever employed by him, her, or them, for his, her, or their benefit, either publickly or privately, to trade in, vend or fell, any piece of plate or goods, or any ware in which the quantity of gold shall be of the weight of two ounces or upwards, or in which the quantity of filver shall be of the weight of thirty ounces or upwards, unless he, she, or they, shall have first paid a duty of five pounds for a licence, which shall have been taken out in the manner required by the said act made in the last session of parliament; and every person who shall so trade in, vend or fell, any fuch piece of plate or goods, or ware as aforefa'd, shall pay the like duty of five pounds for every licence which shall be taken out in each year, in pursuance of the said act, instead and in lieu of the duty of forty shillings thereby granted; any thing in the said act contained to the contrary notwithstanding: and if any person or persons trading in, vend- 201. penalty ing, or felling gold or filver plate, or any goods or wares in for not taking which any gold or filver is or shall be manufactured, shall, after out such lithe said fifth day of July, one thousand seven hundred and fifty nine, presume or offer to trade in, vend or sell, any such piece of plate or goods, or any fuch ware as aforesaid, without first taking out a licence, for which the said duty of five pounds shall have been paid, and renewing the same licence, and making the like and renewing payment yearly as aforesaid, he, she, or they, shall respectively the same year. forfeit and lose, for every such offence, the sum of twenty pounds.

IV. And be it further enacted by the authority aforefaid, Pawnbrokers, That from and after the said fifth day of July, one thousand and refiners, seven hundred and fifty nine, no pawnbroker or pawnbrokers deemed tradshall presume, by him, her, or themselves, or by any other ers in, and person or persons whatsoever employed by him, her, or them, gold and silver for his, her, or their benefit, either publickly or privately, to wares, trade in, vend or fell, any gold or filver plate, or any goods or wares in which any gold or filver is or shall be manufactured; nor shall any person or persons presume, either by him, her, or and liable to themselves, or by any other person or persons whatsoever em-take a licence, ployed by him, her, or them, for his, her, or their benefit, to use or practice the trade or business of a refiner of gold or silver, without first taking out a licence, in such manner as persons using the trade of felling or vending gold or filver plate are, by the faid act made in the last session of parliament, required to take out licences; and every such pawnbroker, and also every such refiner of gold or filver, shall take out a fresh licence in every year, and renew the in fuch manner as persons using the trade of selling or vending gold or filver plate, are by the faid act required to do: and for the more effectual enforcing the taking out of the faid licences, and recovery of the duty herein after directed to be from time to time paid upon the taking out thereof, every fuch pawnbroker and refiner of gold or filver respectively shall be deemed, for the

fame yearly;

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for which 51.

on penalty of forfeiting 20l.

Licencestaken out under the former act, of the additional fum of for the fubfifting term thereof,

Persons in partnership, carrying on trade or bufiness in one house only, &c. not liable to take out more than one licence. Licence to terve but for one thop or house,

Anno tricesimo secundo Georgii II. c. 24. purposes of this act, to use the trade of selling or vending gold or filver plate; any thing in the faid former act contained to the contrary notwithstanding: and every such pawnbroker as aforefaid, and also every such refiner of gold or silver, shall respectively pay a duty of five pounds for every licence which shall be is to be paid; taken out by each such pawnbroker or refiner; and which said duty of five pounds shall be paid in each year at the times when fuch licences are taken out, and to fuch person or persons, and in fuch manner, as the duty of forty shillings granted by the faid act is thereby directed to be paid: and if, after the faid fifth day of July, one thousand seven hundred and fifty nine, any pawnbroker shall presume or offer to trade in, vend or sell, any gold or filver plate, or any goods or wares in which any gold or filver is or shall be manufactured; or if any person shall prefume or offer to use or practice the trade or business of a refiner of gold or filver, and fuch pawnbroker or person respectively shall not have first taken out a licence, for which the said duty of five pounds shall have been paid, or shall not have renewed the same licence, and made such payment yearly as aforesaid; every such pawnbroker and person shall respectively, for every

fuch offence, forfeit and lose the sum of twenty pounds. V. Provided always, and be it further enacted by the authority aforefaid, That if, at any time or times, any person or perfons who shall have taken out a licence in the manner prescribed upon payment by the faid former act, and have paid, in respect thereof, the faid duty of forty shillings, shall, before the expiration of such 31. to be good licence, produce the same, and pay the further sum of three pounds to any person or persons authorized by virtue of the said former act to grant licences (all which persons are hereby required to accept fuch payment, and to indorfe a memorandum thereof, without fee or reward, upon the licence so produced) every person paying such additional sum of three pounds may, and is hereby impowered, from the time of the payment thereof, and during the continuance of the remainder of the term of the faid licence, to trade in, vend, or fell, any gold or filver plate, or any goods or wares in which any gold or filver is or shall be manufactured; or to use or practice the trade or business of a refiner of gold or filver, in fuch manner as any other perfon who shall have paid the duty of five pounds upon the original granting of any licence is by this act impowered to do; any thing herein before contained to the contrary notwithstanding.

VI. Provided always, That persons in partnership, and carrying on their trade or business in one house, shop, or tenement only, shall not be obliged to take out more than one licence in any one year for the carrying on such trade or business: and that no licence which shall be granted by virtue of this act, shall authorize or impower any person or persons to whom the fame may be granted, and who shall sell gold or silver plate in shops, to trade in, fell, or vend, such gold or silver plate in any other shop or place, except in such houses or places thereunto belonging wherein he, she, or they shall inhabit and dwell at

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the time of granting such licence, or in booths or stalls at fairs booths and or markets.

or markets

VII. And be it further enacted by the authority aforesaid, excepted. That all profecutions for recovery of penalties and forfeitures Penalties and incurred for offences committed against this act, shall and may forfeitures to be heard and determined, and such penalties and forfeitures re- be recovered covered, levied, and applied, and in case of want of sufficient and applied, distress whereon to levy the same, the offender shall be imprison- as by the act ed, in such and the same manner, and with the same powers of 31 Geo. 2. and authorities, as are prescribed, given, and appointed, in the is prescribed. faid act made in the last session of parliament with respect to profecutions for, and the recovering, levying, and applying of, the penalties and forfeitures incurred for offences committed against the said act, and to the imprisonment of the party or parties offending until satisfaction shall be made.

VIII. Provided always, and it is hereby enacted, That the Mitigation of feveral penalties and forfeitures of twenty pounds, created and penalties. inflicted by the said recited act, and this present act, may be mitigated by such ways, means, and methods, as any fine, penalty, or forfeiture, may be mitigated by any law or laws of excife; any thing in the faid recited act, or this present act, to the contrary in any wife notwithstanding.

IX. And be it further enacted by the authority aforesaid, That Duties to be all the monies which shall arise by the duty hereby directed to paid into the be paid upon licences (the necessary charges of raising and accounting for the same excepted) shall, from time to time, be paid into the receipt of his Majesty's exchequer at Westminster, together with the monies arising by the duty on licences granted by the faid act made in the last session of parliament; and shall be ap- and to be applied to such uses and purposes, and in such manner, as the plied as the monies arifing by the duty granted by the faid act are thereby duties under made applicable, and to and for no other use or purpose what- are directed. foever.

X. And be it further enacted by the authority aforesaid, That The recited the faid act made in the last session of parliament (except such act, except parts thereof as are varied or altered by this act) shall continue where altered by this act, in full force and effect, and the provisions and powers therein continued and contained (except as aforesaid) shall extend, and are hereby ex-enforced. tended to, and shall operate and be executed, with respect to this act, and to all matters and things to be done in pursuance thereof, in as full and ample manner, to all intents and purpofes, as if the faid provisions and powers were, with such variations and alterations, herein especially repeated and re-enacted; any thing in this act contained to the contrary notwithstanding.

CAP. XXV.

An all to explain and amend an all made in the twenty ninth year of bis present Majesty's reign, intituled, An act for the encouragement of leamen, and the more speedy and effectual manning his Majesty's navy; and for the better prevention of piracies and robberies by crews of private ships of war.

WHEREAS repeated complaints have of late been made of

divers outragious acts of piracy and robbery, committed on

Preamble.

Clayfe in act 29 Gco. 2.

board great numbers of ships, more particularly by the crews of small ships, vessels, or boats, being, or pretending to be, English privateers: and whereas it is of the utmost importance to the honour of this nation, to detect and bring to justice persons who (in violation of the laws of nations in general, and of this kingdom in particular) have been, or shall be, guilty of such piracies and robberies : and whereas by a clause in an act of parliament passed in the twenty ninth year of the reign of his present Majesty, intituled, An act for the encouragement of seamen, and the more speedy and effectual manning his Majesty's navy, it is, amongst other things, enacted, That the lord high admiral of Great Britain, or the commissioners for executing the office of lord high admiral of Great Britain for the time being, or any three or more of them, or any person or persons by him or them impowered and appointed, shall, at the request of any owner or owners of any ship or vessel, giving such bail and security as have been usually taken upon granting commissions or letters of marque (except only for the payment of the tenths of the value of prizes which Shall be taken, to the lord high admiral, or commissioners for executing the office of lord high admiral for the time being) cause to be iffued forth, in the usual manner, one or more commission or commissions to any person or persons whom such owner or owners shall nominate to be commander, or, in case of death, successively commanders of such ship or vessel, for the attacking, surprizing, seizing, and taking, by and with such ship or vessel, or with the crew thereof, any place or fortress upon the land, or on any ship or vessel, goods, ammunition, arms, stores of war, or merchandize, belonging to, or possessed by, any of his Majesty's enemies, in any sea, creek, haven, or river: and whereas it is apprehended that most of the acts of piracy and robbery complained of as aforesaid, have arisen from the obligation on the said lord bigh admiral, or the faid commissioners for executing the office of lord high admiral, at such request as aforesaid, to grant such commissions to the commanders of all ships or vessels, of what burthen soever, without distinction: to remedy which inconveniency; be it enacted by the King's most excellent majesty, by and with the advice and confent of the lords spiritual and temporal, and rects the ad- commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of June in the year of our Lord one thousand seven hundred and fifty given togrant nine, so much of the said recited clause in the above-mentioned

So much of the recited claufe, as dimiralty, upon application. and fecurity commillions



Anno tricesimo secundo Georgii II. c. 25. 1759.]

act of parliament, passed in the twenty ninth year of the reign to privateers, of his present Majesty, as directs the lord high admiral of Great repealed. Britain, or the commissioners for executing the office of lord high admiral of Great Britain for the time being, or any three or more of them, or any person or persons by him or them impowered and appointed, at the request of any owner or owners of any ship or vessel giving such bail and security as therein is mentioned, to cause to be issued forth, in the usual manner, one or more commission or commissions to any person or persons whom fuch owner or owners shall nominate to be commander, or, in case of death, successively commanders of such ship or vessel, for the purposes in the said recited clause mentioned, shall be, and the same is hereby declared and enacted to be absolutely

repealed and made void.

II. And be it further enacted by the authority aforefaid, That Admiralty to the lord high admiral of Great Britain, or the commissioners for grant comexecuting the office of lord high admiral of Great Britain for the missions, upon time being, or any three or more of them, or any person or per- owners, &c. fons by him or them impowered and appointed, shall, from and bail and secuafter the said first day of June, one thousand seven hundred and rity as is herefifty nine, at the request of any owner or owners of any ship or in after-menveffel, giving fuch bail and fecurity as is herein after-mentioned and tioned. expressed, cause to be issued forth one or more commission or commissions to any person or persons whom such owner or owners shall nominate to be commander, or, in case of death, successively commanders of fuch ship or vessel, for the attacking, surprizing, seizing, and taking, by and with fuch thip or vessel, or with the crew thereof, any place or fortress upon the land, or any ship or vessel, goods, ammunition, arms, stores of war, or merchandize, belonging to, or peffessed by, any of his Majesty's enemies, upon the land, or in any sea, creek, haven, or river; and that such ship or ships, Prizes to bevessel or vessels, or any goods, ammunition, arms, stores of war, long solely to, and be divided and merchandizes whatfoever, with all their furniture, tackle, and among, the apparel, so to be taken, by or with such private owner or owners owners and thip or vessel, according to such last-mentioned commission or captors, as commissions (being first adjudged lawful prize in any of his Ma- shall be agreed iesty's courts of admiralty) shall wholly and entirely belong to between them; jesty's courts of admiralty) shall wholly and entirely belong to, and be divided between and among, the owner and owners of fuch ship or vessel, and the several persons which shall be on board the same, and be aiding and affisting to the taking thereof, in fuch shares and proportions as shall be agreed on with the owner or owners of such ship or vessel as shall be the captor thereof, their agents or factors, as the proper goods and chattels of such owner or owners, and the persons that shall be intitled thereto by virtue of fuch agreements among themselves; and that neither his Majesty, his heirs, or successors, or any admiral, vice admiral, governor, or other person, commissioned by, or claiming, under his Majesty, his heirs, or successors, or any person or persons whatsoever, other than the owner or owners of such ship or vessel, being the captor of such prize ship or vessel, goods, ammunition, arms, stores of war, and merchandizes, and the

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the cultoms and duties payable by act 29 Geo. 2.

No commiffion to be granted to vellels, in Europe, under 100 tons burthen, 10 guns, and 40 men; unless the admiralty shall think fit; the owners giving bail and fecurity as herein after mentioned.

Admiralty n ay revoke any former or future commillions;

of which notice is to be forthwith tent to the ship's owners, agents, or fureties. Times limited for order of revocation to take place, VIZ. If the veffel be in the channel; or northern of Cape Finisterre, or in the Mediter-Indies.

referving only persons claiming under him or them, shall be intitled to any part or share thereof (except as to the customs and duties mentioned in the said act of the twenty ninth year of his Majesty's reign) any custom, statute, or other law to the contrary not withstanding.

III. Provided nevertheless, and it is hereby further enacted, That no fuch commission as aforesaid shall be issued forth or granted to any person or persons by virtue of this act, unless the thip or vessel for which the same shall be granted, in Europe, shall be of the burthen of one hundred tons, and carry ten carriage guns, being three pounders, and forty men at the least; or unless the lord high admiral, or commissioners for executing the office of lord high admiral, or any three or more of them, or any person or persons by him or them impowered and appointed, shall, in their discretion, think fit to grant the same to any thip or veiled of inferior force or burthen, the owner or owners of fuch thip or vessel giving such bail and security as is herein after mentioned and expressed.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the lord high admiral of Great Britain, or the commissioners for executing the office of lord high admiral of Great Britain for the time being, or any three or more of them, at any time or times hereafter, to revoke and make void, by any order or orders in writing under his or their hand or hands, any commission or commissions which hath, have been, or shall be, issued forth to any person or persons who hath, have been, or shall be, nominated commander or commanders of any thip or vessel, either by virtue of the said act of the twenty ninth year of the reign of his present Majesty, or this

present act.

V. Provided nevertheless, That the secretary of the admiralty for the time being shall, with all convenient speed, after any and every such commission shall be so revoked, cause notice thereof in writing to be forthwith fent to the owner or owners, or agent or agents, or furety or fureties, or fome one of them. of the thip or veffel named or described in such order of revocation: and in case such ship or vessel shall be in the chanel, the faid order of revocation shall be effectual to superfede and annul the faid commission, at the expiration of twenty days from and after such notice given as aforesaid, or sooner, if notice shall be actually given in writing by the fecretary of the admiralty to the captain or commander thereof; and in case such ship or vesif to the fouth fel shall be in the northern seas, at the expiration of thirty days; and in case such ship or vessel shall be to the southward of Cape Finisterre, or in the Mediterranean, at the expiration of fix weeks; and in case such ship or vessel shall be in North America, or the in NorthAme- West Indies, at the expiration of three months; and in case such rica, the West ship or vessel shall be in the East Indies, at the expiration of fix Indies, or East months: and any commander or commanders, owner or owners, agent or agents, furety or fureties, of any fuch ship or vefmay be made fel, whereof fuch commission or commissions issued or to be ifto the King in fued forth as aforesaid shall be so revoked, may complain thereof

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to his Majesty in council, within thirty days next after the se- council of cretary of the admiralty for the time being shall cause notice such revocathereof to be given as aforesaid; and the determination of his tion.

Majesty in council touching and the determination of his The council's Majesty in council, touching every such complaint, shall be determination final.

VI. Provided always, That in case any such order of revoca- and if the ortion shall be superseded, such commission shall be deemed and der shall be taken to have continued in force: and all prizes taken by virtue superseded, thereof shall belong to, and be the property of, such owners and sion to stand captors, in fuch manner as the same would have been in case good. fuch order of revocation had not been made.

VII. Provided also, That no person shall be liable to be pu- None liable to nished for doing, before he shall have received personal notice before person. of fuch order of revocation, any matter or thing which he might al notice rehave lawfully done under the authority of such commission, in ceived of such

case such order of revocation had not been made.

VIII. And be it further enacted by the authority aforesaid, Vocation. That before the granting or issuing of any commission in pur-security to be fuance of this act, fuch bail and security shall be taken as have taken; been usual upon the granting or issuing of commissions for private ships of war; and that, previous to the taking of such bail the parties and fecurity, the persons who propose to be bound, and give making oath such security. Shall severally make oath before the judge of their quafuch security, shall severally make oath before the judge of the lincation; high court of admiralty of England, or his surrogate, or other person or persons by such judge, or surrogate, lawfully commissioned, that, at the time of their being sworn, they are respectively worth more money than the sum for which they are then to be bound, over and above all their just debts: and moreover, the marshal of the said high court of admiralty for the and the martime being, or his deputy, or the person or persons so commissi- shal satisfying oned as aforesaid, is or are hereby required and directed to make himself as to diligent enquiry into, and fatisfy himself or themselves of, the thereof. fufficiency of fuch bail and fecurity, and make a report thereof to the faid judge, or his surrogate, before any such commission shall be granted or issued.

IX. And be it further enacted by the authority aforesaid, That Persons applyfrom and after the first day of June, one thousand seven hundred ing for com-and fifty nine, all and every person and persons who shall apply missions, to make applicato the faid lord high admiral, or the commissioners for execut- tion in writing the office of lord high admiral for the time being, in order ing, to obtain any commission to be granted or issued forth in purfuance of this act, shall make every such application in writing, and therein set forth a particular, true, and exact description of and set forth a the ship or vessel for which such commission is requested, speci- description of fying the burthen of such ship or vessel, and the number and nature of the guns on board the same, to what place belonging, and the name or names of the principal owner or owners of fuch ship or vessel, and the number of men intended to be put on the particuboard the same (all which particulars shall be inserted in every lars thereof to commission to be granted or issued in pursuance of this act) and the commissions. that every commander of a private ship or vessel of war, for which sion;

order of re-

the veffel, &cc.

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which comproduced to the collector or other offimine the thip, and fee how in all respects with the faid description; and if the aor be of a

is to grant a certificate, which shall be a clearance to tuch vetlel.

greater force

or burthen,

parting without fuch clearance.

or with a force inferior to that specified in the commission.

Collector, &c. granting a false certificate,

to forfeit his office, and 100 l. Recovery and application increof.

Anno tricesimo secundo Georgii II. C. 25.

a commission shall be granted or issued in pursuance of this act, shall produce such commission to the collector, customer, or mission is to be searcher, for the time being, of his Majesty's customs, residing at, or belonging to, the port from whence such ship or vessel shall be first fitted out, or to the lawful deputy or deputies of cer of the port, such collector, customer, or searcher; and the said collector, who is to exa- customer, or searcher, or his or their lawful deputy or deputies, shall, as soon thereaster as conveniently may be, without fee or far the agrees, reward, inspect and examine such ship or vessel, so as to ascertain the burthen thereof, and the number of men, and number and nature of the guns on board the same : and if such ship or vessel shall thereupon be found to be of such burthen, and be grees thereto, manned and armed according to the tenor of the description inferted in such commission as aforesaid, or be of a greater burthen or force than shall be mentioned in such commission, then fuch collector, customer, or searcher, or his or their lawful deputy or deputies, shall, and he or they is and are hereby required immediately upon the request of the commander of such ship or vessel, to give a certificate thereof in writing under his or their hand or hands gratis, to such commander; which certificate shall be deemed a necessary clearance, before such private ship or vessel shall be permitted to sail from that port; and if the com-Penalty of de- mander of any ship or vessel for which any commission shall have been granted or issued in pursuance of this act, shall depart with such ship or vessel from such port or clearance, before he hath received such certificate, or shall depart from any such port, or proceed upon a cruize, with a force inferior to the force specified in such commission, or required by this act; in every fuch case, the commission for such this or vessel shall from thenceforth be absolutely null and void; and the commander so offending, being convicted thereof before any court of admiralty, shall be imprisoned without bail or mainprize, for such space as the faid court shall direct, not exceeding one year for any one offence.

X. And be it further enacted by the authority aforesaid, That if any collector, customer, or searcher of his Majesty's customs, or his or their lawful deputy or deputies, thall grant a certificate for any ship or vessel which shall not be of the burthen and force specified in the commission granted to the commander or commanders thereof, or of greater burthen and force than shall be mentioned in such commission, he shall, for such offence, forfeit his said office, and be for ever after incapable of holding any office in the customs, and shall also forfeit the sum of one hundred pounds, to be recovered by any person or perfons who will fue for the same, by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at Westminster, in which no essoin, protection, wager of law, or more than one imparlance, shall be allowed; and one moiety of the faid penalty of one hundred pounds, when recovered, shall be paid to the informer or informers, and the other moiety to the treasurer for the time being to the corporation for the relief and



support of fick, maimed, and disabled seamen, and of the widows and children of fuch as shall be killed, slain, or drowned, in the merchants fervice, for the use of such corporation; or where such forfeitures shall be incurred in any of the out-ports in which a corporation is established, or shall hereafter be established, for the purposes aforesaid, then the moiety of such penalty shall be paid to the trustees for the use of the corporation so established.

XI. Provided always, That the number of tons fo to be cer- Tonage to be tified, be ascertained according to the rules laid down by an act ascertained acpassed in the eighth year of the reign of her late majesty Queen cording to the Anne, intituled, An all for making a convenient dock or bason at rules prescrib-Liverpool, for the security of all ships trading to or from the said 8 Annæ.

port of Liverpool.

XII. And be it further enacted by the authority aforesaid, Privateers a. That in case at any time or times after the first day of June, one greeing for the thousand seven hundred and fifty nine, any commander or com- ransom of manders of any private thip or thips, or vessel or vessels, of war, neutral thips duly commissioned by virtue of the said act of the twenty ninth year of his Majesty's reign, or this act, shall agree with the commander or commanders, or other person or persons, of or belonging to any neutral or other thip or thips, vessel or vessels (except those of his Majesty's declared enemies) for the ransom of any fuch neutral or other thip or thips, vessel or vessels, or the respective cargo or cargoes thereof, or any part thereof, after the same shall have been taken as prize, and shall, in pur- and dischargfuance of any fuch agreement or agreements, actually quit, fet ing them withat liberty, or discharge, any such prize or prizes, instead of out bringing bringing the same into some port or ports belonging to his Ma-them into jesty's dominions; that then all and every of the commander port, and commanders of fuch private thip or thips, or veffel or veff. Is of war, who shall so agree for any such ransom (except as aforefaid) and shall quit, set at liberty, or discharge, any such prize or prizes in manner aforesaid, shall be deemed, adjudged, and deemed guilty taken to be guilty of piracy, felony, and robbery; and he, they, of piracy; and and every of them, being duly convicted thereof in the manner and confiscaherein before-mentioned, shall have and suffer such pains of tion of goods, death, loss of lands, goods, and chattels, as pirates, felons, and &c. robbers upon the feas, ought to have and fuffer according to the laws now in being.

XIII. Provided always, and be it further enacted, That it Privateers shall be lawful for the commander of any private ship of war, may take conupon the capture of any neutral ship or vessel which by any law traband goods or treaty shall be liable only to the forfeiture of such contraband from on board goods as shall be on board thereof, to receive such goods from with consent fuch ship or vessel, in case the commander thereof is willing to of the comdeliver the same; and the commander of such private ship of manders and war may thereupon quit, fet at liberty, or discharge, such neu- fet the vessels tral fhip or vessel; any thing herein before contained to the con- at liberty. trary notwithstanding: and if any person or persons shall pur-

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bezzling the lame.

Penalty of em- loin or embezzle any fuch contraband goods before condemnation thereof, every such person shall be subject to such pains and forfeitures as are inflicted by law upon persons purloining or embezzling goods out of any captured ship.

XIV. And be it further enacted by the authority aforesaid,

All papers, &c found on board prize veffels, to be brought into

That from and after the first day of June, one thousand seven hundred and fifty nine, all books, papers, and writings, found in any ship or vessel taken as prize, shall, without delay, be the registry of brought into the registry of the court or admiralty wherein such the admiralty; ship or vessel may be proceeded against, in order to condemnation; but that fuch only of the faid books, papers, and writings, shall be made use of and translated, as shall be agreed or insisted upon by the proctors of the feveral parties, captors, or claimants, or in case of no claim, by the captor or register, to be translated and necessary for ascertaining the property of such ship or vessel, and

but fuch only as shall be thought neceffary by the proctors to be made use of, &cc.

the cargo thereof.

No officer of the court of admiralty,

XV. And be it further enacted by the authority aforesaid, That from and after the said first day of June, one thousand seven hundred and fifty nine, no judge, register, or deputy register, marshal, or deputy marshal, or any other officer whatsoever, of or belonging to any court of admiralty or vice admiralty in Great Britain or Ireland, or in any of his Majesty's colonies or plantations in America, or elsewhere, nor any person or persons practifing either as advocate, proctor, or otherwise, in any such court or courts, shall be concerned or interested, directly or indirectly, as owner, part owner, sharer, or adventurer, in any private thip or thips, or vettel or vettels, of war whatfoever, having any commission or commissions as aforesaid: and in case any such judge, register, deputy register, marshal, deputy marshal, or other officer, advocate, or proctor whatsoever, shall, notwithstanding this act, be directly or indirectly concerned or interested as aforesaid; such judge, register, deputy register, or marshal, deputy marshal, or other officer respectively, shall, for fuch offence (being thereof lawfully convicted, either upon an information or an indictment) absolutely forfeit his office and employment in and belonging to any fuch court of admiralty or vice admiralty, of what kind or nature foever such office or employment may happen to be, and shall also forfeit and pay to the use of his Majesty, his heirs, and successors, the sum of one and advocate, hundred pounds; and every fuch advocate or proctor respectively shall, for such last-mentioned offence (being thereof lawfully convicted in manner aforesaid) be from thenceforth absolutely

or advocate, &c. of the court to be any ways interested in privateers;

> miralty or vice admiralty wherefoever. XVI. And be it further enacted by the authority aforelaid, That from and after the first day of June, one thousand seven hundred and fifty nine, no register or deputy register, nor any marshal or deputy marshal, of or belonging to any of his Ma-

> jesty's said courts of admiralty or vice admiralty whatsoever, thall, either directly or indirectly, by himself or themselves, or

> as an advocate or proctor in any of his Majesty's courts of ad-

on forfeiture of his employment, and 1001.

&c. to be difqualified from practifing in the said courts. disqualified, and rendered for ever incapable of practing either

Registers and marshals of the court difqualified from acting as advocates or proctors,



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by any agent or agents, or other person or persons whatsoever, act or be concerned in any manner, either as an advocate or proctor, in any cause, matter, or business whatsoever, that shall be depending in any fuch court or courts of admiralty or vice admiralty, to which fuch register, deputy register, marshal, or deputy marshal, shall then belong; and that every register, deputy register, marshal, or deputy marshal, who shall be guilty of such offence (being thereof lawfully convicted, either upon on forfeiture an information or indictment) shall from thenceforth absolutely of their reforfeit his respective office and employment of register, deputy spective offiregister, marshal, or deputy marshal, in and belonging to the ces. lame court.

XVII. And be it further enacted by the authority aforesaid, Commissions That all and every commission and commissions which have heretofore been issued forth or granted in pursuance of the aforesaid act of granted to parliament made and passed in the twenty ninth year of his pre- ferior force fent Majesty's reign, to the commander or commanders of any and burthen, private thip or thips, or vessel or vessels, of war, in Europe, such than this act thip or thips, vessel or vessels, not being respectively of the bur- allows, then of one hundred tons, and carrying each ten carriage guns, being three pounders, and forty men at the least (except such except such as thips or vessels of an inferior burthen or force whose commissi- shall be conons shall be respectively confirmed by any order in writing un- admiralty; der the hand or hands of the lord high admiral of Great Britain, or the commissioners for executing the office of lord high admiral of Great Britain, or any three or more of them, or any perfon or persons by him or them impowered and appointed) shall, from and after the first day of July, one thousand seven hundred and fifty nine, be null and void; and the fame, and every are revoked, of them, is and are hereby accordingly enacted and declared to and declared be absolutely revoked and made null and void, to all intents void. and purpoles whatloever.

XVIII. Provided always, That every such confirmation of of commisany commission as aforesaid, shall be made and granted without sions to be fee or reward.

XIX. And, to the end that the owners of Such Ships or vessels, Where the not being under fifty, or above one hundred, tons, whose commissions commissions are by this all made void, which, since the twenty leventh day of of interior May, one thousand seven hundred and fifty six, have constantly served velle's are vaas private ships of war to the time of such revocation, may not be in- cated by revojured thereby; it is hereby further enacted, That it shall and may His Majesty to be lawful for his Majesty, under his royal sign manual, to ap- appoint perpoint such person or persons as his Majesty shall think fit to re- sons to adjust ceive and adjust the claims of such owners, for any loss or da- the claims of mage they may respectively sustain by reason of the revocation for damages; of any of the faid commissions hereby made void; and the sums and the sums which shall by such person or persons, so appointed by his Ma-certified by jesty, be certified to be due on such claims, shall be paid out of them, to be " the next aids to be granted in parliament. paid out of the

XX. And, for the more speedy bringing of offenders to justice, and next supplies. to prevent the inconveniencies occasioned by want of frequently holding

granted with-



Anno tricelimo secundo Georgii II. C. 25.

A fession of the court of admiralty to be held in March and

a session of admiralty for the trial of offences committed on the high feas; be it further enacted by the authority aforesaid, That from and after the first day of June, one thousand seven hundred and fifty nine, a fession of Oyer and Terminer and gaol delivery, for the trial of offences committed upon the high seas within the Octoberyearly, jurisdiction of the admiralty of England, shall be held twice at the least in every year; that is to say, In the several months of March and October in each year, at Justice Hall in the Old Bailey, London; except at such times as the sessions of Oyer and Terminer and gaol delivery for the city of London and county of Middlesex shall be appointed to be there held; or in such other place, within that part of Great Britain called England, as the lord high admiral of Great Britain, or the commissioners for executing the office of lord high admiral of Great Britain for the time being, or any three or more of them, shall, by any letter, or order in writing, under their hands, directed to the judge of the high court of admiralty in England for the time being, appomit.

Commissioners of the court, the peace, impowered to take informations of piracy, &c.

XXI. And be it further enacted by the authority aforesaid, That from and after the first day of June, one thousand seven and justices of hundred and fifty nine, it shall and may be lawful, not only to and for any one or more of the commissioners for the time being, named in the commission of Oyer and Terminer for the trying of offences committed within the jurisdiction of the admiralty of England, but also to and for any one or more of the justices of the peace for the time being of any county, riding, division, or place, within that part of Great Britain called England, and they are hereby respectively authorized and impowered, from time to time, to take any information or informations of any witness or witnesses in writing upon oath, touching any piracy, felony, or robbery, done or committed, or charged to have been done or committed, in or upon the fea, or in any haven, river, creek, or place, where the admiral or admirals hath or have power, authority, or jurisdiction; and thereupon (if fuch commissioner or commissioners, or justice or justices of the peace respectively, shall see cause) by any warrant or warrants under his or their hand and feal, or hands and feals, to cause the person or persons accused in such information or informations to be apprehended and committed to the gaol of the county or place wherein the same information or informations shall be taken, there to remain until discharged by due course of law.

and, if they ice cause, to apprehend and commit the offenders;

and to oblige the profecutors and evidences to enter into recog. nizances, to appear and profecute;

XXII. And it is hereby further enacted, That such of the faid commissioners, or justices of the peace, who shall cause any fuch person or persons to be committed as is last mentioned, shall, and he or they is or are hereby respectively required, at the same time, to oblige all and every such other person or perfons whom fuch commissioner or commissioners, or justice or justices of the peace, shall judge necessary to prosecute and give evidence against the person or persons who shall be so committed as aforefaid, to enter into one or more recognizance or recognizances to his Majesty, in a sufficient penalty, for his, her, or



Anno tricesimo secundo Georgii II. C.29.

their appearing at the then next session of Oyer and Terminer, and gaol delivery, to be held for the jurisdiction of the admiralty of England, there to prosecute and give evidence against the person or persons who shall be committed as aforesaid: and if any per- and on refitfal, fon shall refuse to enter into such recognizance to prosecute or to commit give evidence, as shall be required, he, she, or they, so refusing, them. shall be committed by any such commissioner or commissioners. justice or justices, to the gaol of the county or place in which the person so refusing shall be, until the next sessions of admiralty shall be held, or such person shall enter into such recognizance as thall be required as aforefaid; which recognizance or recogni- Recognizances zances, together with the information or informations taken. and informatouching the offence or offences wherewith the person or persons tions to be to be committed as aforesaid shall be charged, the said commission the register of fioner or commissioners, or justice or justices of the peace, be- the court, to fore whom the same shall be taken, shall, and they are hereby be laid before respectively required, to transmit, with all convenient speed, to the judge, and the register for the time being of the high court of admiralty of the records. England, to be by him forthwith laid before the judge for the time being of the fame court, and afterwards to be kept among the records of that court.

XXIII. And be it further enacted by the authority aforesaid, The marshal. That the marshal of the admiralty for the time being, and his sheriffs, and deputy or deputies, and all sheriffs, bailiffs, stewards, consta-officers, are to bles, headboroughs, tythingmen, keepers of gaols and prisons, obey and exeand all other officers whatfoever, for keeping of the peace (as cute all prewell within liberties as without) shall, and they, and every of cepts and orthem, are hereby respectively authorized and required, from ders of the time to time, diligently to execute, perform, and obey all fuch commissioners precept and precepts, warrant and warrants, and other order and orders, as shall at any time or times hereafter be made, directed, issued, or given to them, or any of them respectively, by any one or more of the faid commissioners named in the commission of Oyer and Terminer, or justices of the peace, by virtue or in pursuance of this act, touching any of the matters or things herein contained.

XXIV. And be it further enacted by the authority aforesaid, Where an ap-That in case any appeal shall be interposed from a sentence peal shall be given in any admiralty court, concerning any goods and effects interpoted which may hereafter be seised or taken as prize, in pursuance of from the senthe aforesaid act of parliament of the twenty ninth year of his court, con-Majesty's reign, or of this act; that then, and in such case, the cerning goods judge of such court of admiralty shall and may, at the request, taken as prize, costs, and charges, either of the captor or claimant, or of the claimant only, in cases where the privilege is reserved in favour of the claimant by any treaty or treaties subfishing between his Majesty and foreign powers, make an order to have such capture the capture appraised, unless the parties shall otherwise agree upon the value may be apthereof, and an inventory taken, and then take fecurity for the upon fecurity full value thereof, and thereupon cause such capture to be deli- given, be devered to the party giving fuch fecurity, in like manner as, by the livered to the Vol. XXII.

faid party;

and if there shall be any difficulty or objection to the giving or taking fecurity, the judge may order the goods to be landed, and fold by auction, and the money to be deposited in the bank, &c. If fecurity be given by the claimants, judge to give the capture a pafe. Act to be in force during the prefent war with

France.

Anno tricesimo secundo Georgii II. c.26,--27. [1759.

said former act, such judge ought or could have done, before sentence given, notwithstanding such appeal: and if there shall be any difficulty or objection to the giving or taking of fecurity, the faid judge shall, at the request of either of the parties, order fuch goods and effects to be entered, landed, and fold by publick auction, as prize goods now are, under the care and custody of the proper officers of the customs, and under the direction and inspection of such persons as shall be appointed by the claimants and captors; and the monies arifing by fuch fale shall be deposited in the bank of England, or in some publick securities, and in the names of such trustees as the captors and claimants shall jointly appoint, and the court shall approve, for the use and benefit of the parties who shall be adjudged to be intitled thereto: and if such security shall be given by the claimants, then it is hereby also enacted, That such judge shall give such capture a pass, to prevent it's being taken again by his Majesty's subjects in it's destined voyage.

XXV. Provided always, and be it further enacted by the authority aforesaid, That this act shall continue in force during

the present war with France, and no longer.

CAP. XXVI.

An act for applying a sum of money granted in this session of parliament towards carrying on the works for fortifying and securing the harbour of Milford in the county of Pembroke; and to amend and render more effectual an act of last session of parliament, for applying a sum of money towards fortifying the said harbour.

Preamble, reciting a clause in act 31 Geo. 2. 10,000l. to be issued out of the supplies granted for the year 1759, towards fortifying the harbour of Milsord. Commissioners for putting this act in execution. Fortifications to be erected on the places here mentioned, under direction of the master general and other officers of the ordnance. Commissioners impowered to appoint and pay secretaries, and other proper officers under them. Account of the application of the monies to be said before parliament. Charges of obtaining this act to be first paid out of the monies granted.

CAP. XXVII.

An all for continuing, amending, explaining, and making more effectual, an all made in the nineteenth year of his present Majesty's reign, intituled, An all more effectually to prevent the frauds and abuses committed in the admeasurement of coals within the city and liberty of Westminster, and that part of the duchy of Lancaster adjoining thereto, and the several parishes of Saint Giles in the Fields, Saint Mary le Bon, and such part of the parish of Saint Andrew, Holborn, as lies in the county of Middlesex.

Preamble, reciting act 19 Geo. 2.

WHEREAS by an as? made and passed in the nincteenth year of the reign of his present Majesty, intituled, An act more effectually to prevent the trauds and abuses committed in the admeasurement of coals within the city and liberty of Westmin-

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fter, and that part of the duchy of Lancaster adjoining thereto, and the several parishes of Saint Giles in the Fields, Saint Mary le Bon, and such part of the parish of Saint Andrew, Holborn, as lies in the county of Middlesex; it was enabled, That from and after the twenty fourth day of September one thousand seven hundred and forty fix, there should be erected and continued within the city and liberty of Westminster, one publick office, to be called by the name of The land coal meters office for the city and liberty of Westmin-Aer; and which should, from time to time, be managed by two persons to be nominated and appointed by his Majesty, his heirs, and successors, and to be called and known by the name of The principal land coal meters for the city and liberty of Westminster; and divers fees, rules, orders, powers, authorities, penalties, pun shments, forfeitures, and provisions, were thereby given, granted, made, established, preferibed, and directed, to be levied and inflicted respectively, for the better enforcing and carrying the said all into execution for the purposes therein mentioned; and which were to continue and be in force for three years, from the twenty fourth day of September one thousand seven hundred and forty six, and to the end of the then next session of parliament: and it was thereby, among st other things, enacted and provided, That if the driver of any cart leaded with coals, or any person belonging thereto, or employed therewith, should deliver, or suffer to be delivered or taken from such cart, any coals under his care, otherwise than to or for the use of the owner or owners thereof, and should be convicted of such effence, he should, for every such offence, forfeit and pay the sum of five pounds; and it was thereby further enacted and provided, That if any person or persons should be distaisfied with, or think himself or herself aggrieved by or in the measure of any coals, under or by virtue of the said att, the same coals should, either upon acquainting the seller of such coals, or the carman driving or leading the same, at any time during the delivery thereof, and before the carman should be discharged thereof by the consumer, or his, her, or their, agent or agents, be remeasured either in the presence of a sea coal meter, from the sea coal meters office in the city of London, or one of the meters, or their agents, appointed in pursuance of the faid act, for which there should be paid four pence for every chaldron, and no more; and in case the coals so to be re-measured, should not amount to the measure for which they were originally fold and measured, the fellers of such coals are thereby respectively made liable to the penalties and punishments thereby inflicted, to be recovered and applied in manner therein mentioned; and that, from and after notice should have been given in writing of any such distatisfaction or grievance as aforesaid, to the seller of such coals, or to the carman leading or driving the same, and whilst such couls should so remain in their or either of their possession or power, such seller or carman, in whose possession or power fuch coals should be at the time of fuch notice, should not leave or depart from the cart in which such coals should have been laden, but that he and they should remain with the same, and tak- all possible care both of the coals and cart, till a meter or meters, appointed in purfu ance of the faid act, could be procured to re-measure such coals; and they are thereby respectively required, from time to time, with all con-112

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venient speed, on notice for that purpose to be delivered or left at the Said office in writing in any of the office hours, to attend for that purpose: And whereas the said att of parliament (having by experience been found useful and beneficial within the city and liberty of Westminster, and the other places and limits therein mentioned) was, by three subsequent acts, one of the twenty third, another of the twenty fourth, and another of the thirty first year of the reign of his present Majefly, further continued until the twenty fourth day of June one thousand seven hundred and fifty nine: And whereas it would be of great service to the inhabitants of the city and liberty of Westminster, and the said several parts and places of the county of Middlesex, that the faid act should, under certain restrictions, be further continued; and in case proper provisions were made for obviating mischiefs and abuses which were not foreseen, and not sufficiently provided for by the said former act, the same would be still of greater benefit and advantage to the said inhabitants, and more effectually answer the purposes thereby intended: May it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That if the driver of any cart loaded with coals, or any person belonging thereto, or employed therewith, shall deliver, or suffer to be delivered or taken from fuch cart, any coals under his care, otherwise than to or for the use of the owner or owners thereof, and shall be lawfully conto be publickly victed in such manner as in the said act is mentioned; he shall, for every such offence, be publickly whipt, or committed to the house of correction, there to remain without bail or mainprize for the space of three months.

Carter, &c. fraudulently delivering, or fuffering coal to be taken from his cart, whipt, and committed for 3 months.

And if coals upon remeafall short of the quantity ginally fold and measured for, the principal coal meters to pay 40s. for every bushel measure.

Labouring coal meter delivering tickets for coals, which he was not meafuring of,

II. And it is hereby further enacted, That in case any person or persons shall be distatisfied with, or think himself or herself furement, shall aggrieved by or in the measure of any coals, under or by virtue of the said former act, and such coals shall be remeasured in they were ori- pursuance or under the authority of the said acts, and shall, upon such remeasuring, fall short of, and be deficient of, the true quantity or measure, at or for which the same were originally contracted for, fold, and measured; then, and in such case, the principal coal meter or coal meters shall, for every bushel which the faid coals so to be remeasured shall fall short of or be deficient in the true quantity or measure so originally contracted wanting of the for, fold, and measured, forfeit and pay the sum of forty shillings; to be recovered and applied in such and the same manner as the pecuniary penalties inflicted and directed to be levied by the first mentioned act, are thereby ordered, directed, and appointed, to be levied, recovered, and applied respectively.

III. And it is hereby further enacted, That if any labouring coal meter shall deliver a ticket to any person or persons for any quantity of coals, without having been present at, and seen the measuring of, the whole quantity thereof specified and expressed in such ticket, in every such case the principal coal meters shall present at the forseit and pay the sum of five pounds; to be recovered and ap-

Anno tricesimo secundo Georgii II. c. 27.

plied in fuch manner as the pecuniary penalties, inflicted and to be commitdirected to be levied by the first-mentioned act, are thereby or- ted to hard dered, directed, and appointed to be levied recommend and labour for 30 dered, directed, and appointed, to be levied, recovered, and days, and inapplied, respectively: and every labouring coal meter so offend- capacited; ing, upon complaint thereof made unto any one or more justice and the prinor justices of the peace for the city and liberty of Westminster, or cipals to forfor the faid county of Middlesex, and, upon due proof made to his or their satisfaction, shall be committed to the house of correction, there to remain, and be kept to hard labour, for any time not exceeding thirty days; and shall be for ever rendered incapable of acting as a labouring coal meter under this act.

IV. And whereas by an act passed in the third year of his present Clause in act Majesty's reign, it was therein enacted, That all coals should be 3 Geo. 2. carried to the respective buyers, within the limits therein mentioned, in linen facks, sealed and marked with white paint in oil at Guildhall, London, or at the exchequer office at Westminster, by the proper officer there; which facks shall be full four feet and two inches in length, and fix and twenty inches in breadth, after they shall be made: And whereas it has been found by experience that these dimenfions have not been quite sufficient, by reason of the great shrinking of the facks from wet, and other causes; be it therefore enacted, That from and after the twenty fourth day of December one thousand seven hundred and fifty nine, all facks made use of for the carriage Sacks to be 4 of coals within the limits mentioned in the aforesaid act, shall feet 4 inches be full four feet four inches in length, and full twenty fix inches inches broads in breadth, after they are made; nor shall any of less dimensions be sealed and marked at the above mentioned offices: And if any person or persons dealing in or felling coals within the limits 40s. penalty on aforesaid, shall use, or cause to be used, sacks of any less dimensions than the dimensions herein before directed, every such sions. person shall, for every such offence, forfeit the sum of forty shillings, to be recovered, levied, and applied, in such manner as the pecuniary penalties, inflicted and directed to be levied by the said act of the nineteenth year of his present Majesty's reign. are thereby directed and appointed to be levied, recovered, and

applied, respectively. V. And, for the more effectually preventing any frauds by false admeasurement of coals; it is hereby further enacted, That if any Labouring person employed as a labouring coal meter shall suffer any coal coal meter facks to be made use of for the carriage of coals, being less than using facks of full four feet in length, and full two feet in breadth, withinfide less dimensions the fack, or shall neglect to attend and perform his duty at the lowed, or negwharfs, as in the faid act of the nineteenth year of his present glecting his Majesty's reign is directed, he shall, for every such offence, for-duty, feit the sum of forty shillings; to be recovered, levied, and ap-forteits 40s. plied, in such and the like manner as the pecuniary penalties thereof. inflicted and directed to be levied by the faid act of the nineteenth year of his present Majesty's reign, are thereby directed and appointed to be levied, recovered, and applied, respectively.

VI. And it is hereby further enacted, That such justice or Justices, upon justices as aforesaid, upon every such complaint so to him or them application made and complaint. I i 3

in any of the cales aforefaid, to fummon and exaties;

to commit the offender.

Provinons relating to the fee for the admeasurement of coals, or punishment of dealers or carters, to take place in fuch cases only, where a meter shall the admeaforement at the buyer's defire.

The powers, &c. of 19 Geo,

except where altered by this act,

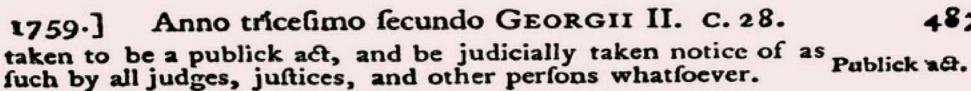
to be in force during the continuance of this act.

Commencement and continuance of this act.

made in the cases before-mentioned, is and are hereby authorized and required to call and summon the parties before him or them, and to hear and examine every fuch complaint upon oath, mine the par- or upon affirmation of fuch witness or witnesses as shall be of the people called Quakers (and which oath or affirmation fuch justice or justices is and are hereby respectively impowered and required and upon proof to administer and take) and upon due proof of such offence as of the offence, aforesaid to his or their satisfaction to grant a warrant or warrants under his or their hand and feal, or hands and feals, for the commitment of such offender or offenders to the house of correction, there to remain and be dealt with as aforefaid.

VII. Provided always, and it is hereby further enacted by the authority aforesaid, That from and after the commencement of this act, mone of the provisions made by the said former act of the nineteenth year of the reign of his present Majesty, or by this present act, relating to the payment of any sum or sums of money for or on account of the admeasurement or inspection of the admeasurement of coals, or to the punishment of any dealer in coals, or carter, on account of fending, carrying, or leading, coals from any wharf or place within the limits aforesaid, shall take place and be in force, except in such cases only where the have attended buyer of such coals shall have signified, by notice in writing to one of the principal coal meters, or one of the labouring coal meters, his or her defire to have the attendance of a coal meter to inspect the admeasurement of his or her coals, and where a coal meter shall, pursuant to such notice, attend and actually inspect the admeasurement of the whole quantity of such coals. any thing contained in the faid recited act, or this act, to the contrary thereof in any wife notwithstanding.

VIII. And it is hereby further enacted and declared, That the faid act made in the nineteenth year of the reign of his prefent Majesty, and continued by the subsequent acts herein before-mentioned and referred to, and all the powers, penalties, forfeitures, remedies, provisions, rules, orders, directions, clauses, matters, and things, given, granted, ordered, appointed, prescribed, inserted, and contained, in and by the said acts respectively, or any of them, which are now in force (other than so far forth as the same, or any of them respectively, are varied, altered, explained, rendered unnecessary, or otherwise provided for by the force of this present act) shall be exercised, practised, used, enforced, and put in execution, during the continuance, and for the purposes, of this present act, in as full, extensive, and beneficial manner, to all intents and purposes, as if the said powers, penalties, forfeitures, remedies, provisions, rules, orders, directions, clauses, matters, and things, were particularly expressed, and again enacted in the body of this present act: and also that this act shall take effect, continue, and be in force, from the faid twenty fourth day of June, one thousand seven hundred and fifty nine, for and during the further term of feven years then next ensuing, and from thence to the end of the then next session of parliament; and shall be deemed, adjudged, and



CAP. XXVIII.

An all for relief of debtors with respect to the imprisonment of their persons; and to oblige debtors, who shall continue in execution in prison beyond a certain time, and for sums not exceeding what are mentioned in the att, to make discovery of, and deliver upon oath, their estates for their creditors benefit.

WHEREAS many persons suffer by the oppression of inferior Preamble. officers in the execution of process for debt, and the exaction of jaylors to whom such debtors are committed: for remedy whereof, it may be reasonable not only to enforce the execution of the laws now in being against such oppressions and exactions, more especially several clauses in a statute made at a parliament held in the twenty fecond and twenty third years of the reign of King Act 22 & 23 Charles the Second (intituled, An ast for the relief and release of Car. 2. poor distressed prisoners for debt) but likewise to make some further provisions for the ease and relief of debtors who shall be willing to fatisfy their creditors to the utmost of their power; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That no sheriff, under sheriff, Officer may bailiff, serjeant at mace, or other officer or minister whatsoever, prisoner to shall at any time or times hereafter convey or carry, or cause to any tavern be conveyed or carried, any person or persons by him or them or other pubarrested, or being in his or their custody by virtue or colour of lick house, any action, writ, process, or attachment, to any tavern, ale-consent; house, or other publick victualling or drinking house, or to the private house of any such officer or minister, of any tenant or relation of his, without the free and voluntary confent of the person or persons so arrested or in custody; nor charge any such nor charge person or persons with any sum of money for any wine, beer, him for liquer ale, victuals, tobacco, or any other liquor or things whatfoever, or other fave what he, she, or they, shall call for of his, her, or their own than such as free accord; nor shall cause or procure him, her, or them, to he shall freely cail or pay for any fuch liquor or things, except what he, she, or and particuthey; shall particularly and freely ask for; nor shall demand, larly call for; take, or received, or cause to be demanded, taken, or received, for caption or directly or indirectly, any other or greater sum or sums of mo- attendance, ney than is or shall be by law allowed to be taken or demanded any other than for any arrest or taking, or for detaining, or waiting till the per- his legal fee; fon or persons so arrested or in custody shall have given an appearance or bail, as the cale shall require, or agreed with the perfon or persons at whose suit or prosecution he, she, or they shall be taken or arrested, or until he, she, or they, shall be sent to the proper gaol belonging to the county, riding, division, city, town,

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Anno tricesimo secundo Georgii II. c. 28. 1759.

nor exact any gratuity money; nor carry his prifoner to gaol within 24 hours after his arreit, unlets he thall refuse to be fafe house of his own appointment within fome city or town, if arrested there, or within 3 miles thereof.

or place, where such arrest or taking shall be; nor shall exact or take any reward, gratuity, or money, for keeping the person or persons so arrested or in custody out of gao! or prison; nor shall carry any such person to any gaol or prison within four and twenty hours from the time of fuch arrest, unless such person or perfons, so arrested, shall refuse to be carried to some safe and convenient dwelling house of his, her, or their own nomination or appointment, within a city, borough, corporation, or market carriedto some town, in case such person or persons shall be there arrested; or within three miles from the place where such arrest shall be made. if the lame shall be made out of any city, borough, corporation, or market town, so as such dwelling house be not the house of the person arrested, and be within the county, riding, division, or liberty, in which the person under arrest was arrested; and then, and in any such case, it shall be lawful to and for any such sheriff, or other officer or minister, to convey or carry the person or persons so arrested, and refusing to be carried to such safe and convenient dwelling house as aforesaid, to such gool or prison as he, she, or they, may be sent to, by virtue of the action, writ, or process, against him, her, or them.

Nor may officer take for the lodging, diet, and other expences of fuch cases, by an order of their general or quarter feffions, which order they are required to make with all expedition;

II. And be it further enacted by the authority aforesa d, That no sheriff, under sheriff, bailiff, serjeant at mace, or other officer or person, shall, at any time or times hereafter, take or receive any other or greater sum or sums for one or more nights fuch prisoner, lodging, or for a day's diet, or other expences of any person or more than thall persons under arrest, on any writ, action, attachment, or process, be allowed, in other than what shall be allowed as reasonable in such cases by fome order or orders already made, or which shall hereafter be the justices in made, by the justices of the peace at some general or quarter seffions which shall be held for the county, riding, division, city, town, or place, where such arrest or taking shall be, who are hereby authorized and required, with all convenient expedition, to make some standing order or orders for ascertaining such charges and expences, within their respective counties, ridings, divisions, cities, towns, and jurisdictions, if the same hath or have not already been there made; and if any fuch order or orders hath or have been there already made, such justices for the time being, at their respective general or quarter sessions, are hereby authorized and required to vary or alter the same, from a copy where- time to time, as they shall see occasion; and also are hereby required to cause a copy of every such order, and of every variation or alteration thereof, figned by the clerk of the peace of every fuch county, riding, division, city, town, or place, respectively, to be put and kept up in some conspicuous place in the sessions house, or other house, or some other proper place, of every such respective county, riding, division, city, town, or place, as such justices shall order, so as the same may be there seen and examined as occasion may require.

of is to be hung up in fome confpicuous part of the fessions proper place.

> III. And, to the intent that no person may suffer by reason of his ignorance of the provisions made by this act, be it further enacted by the authority aforesaid, That all and every sheriff, under fheriff.

Sheriffs, and the feconda-

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theriff, and bailiff of any liberty, and also the respective second-ries of the aries and clerks fitters in the respective compters in London, and compters, to all other persons intrusted with the execution of process, or who ed copies of shall enter any actions, or make any warrant or warrants, or any these clauses writ or process, in order to have the same executed, shall deliver to bailiffs and a printed copy of the several clauses contained in this act relating other officers to bailiffs, serjeants, and other officers and persons who shall be the execution employed under them respectively to execute any writ, process, of writs, &c. or attachment, or who shall arrest any person on any action which and make it a shall be entered, or otherwise, within their respective sheriffwicks or part of the jurisdictions, to every such bailiff, serjeant, officer, and other person, the bond to and shall make it part of the condition of every security or bond be given by which shall be given or made to any such sheriff or under sheriff, them, that or bailiff of any liberty, by any bailiff, serjeant at mace, or other they shall shew officer or person, who shall be employed or intrusted to execute and deliver a any such writ or process as aforesaid under him, them, or any of said clauses to them, that every such bailiff, serjeant at mace, or officer, and the prisoner, other person respectively, shall and will shew and deliver a copy if carried to a of the said clauses to every person he shall arrest by virtue of any publick house, process, action, writ, or attachment, or under any warrant made him or his out thereon, and carry or go with to any publick or other house friend to read where any liquor shall be fold; and also shall and will permit over the same, every fuch person who shall be so arrested, or any friend of him quor or vic-or her, to read over the same clauses, before any liquor, meat, or tuals be victuals, shall be, at any such publick or other house, called for, brought or or brought to, any such person who shall be so under arrest called for. there; and in case any bailiff, serjeant at mace, or other officer offending in the or person, shall, in any respect, offend in the premisses, every premisses, befuch offence, besides the breach of the condition of every such sides the security bond, shall be accounted and deemed a misdemeanor in breach of cothe execution of the process or action on which any such per-venant, liable for was arrested, and shall be punishable as such by virtue of ed for a misthis act.

IV. And be it further enacted by the authority aforesaid, Sheriffs and That every theriff, under theriff, bailiff of any liberty, gaoler and gaolers to alkeeper of any prison or gaol, and other person and persons, to low debtors in whose custody or keeping any one hath been, or hereafter shall send for, or be, arrested, taken, committed, or charged in execution, by vir- have brought tue of any writ, process, or action, or attachment, shall, at all to them, victimes hereafter, permit and fuffer every fuch perfon and perfons, tuals and beer during his, her, and their respective continuance under arrest or place they in custody, or in execution for any debt, damages, costs, or con-shall think fit, tempt, at his, her, and their free will and pleasure, to send for, or have brought to him, her, or them, at seasonable times in the day time, any beer, ale, victuals, or other necessary food, from what place he, she, or they shall think fit, or can have the same; and to have and also to have and use such bedding, linen, and other neces- and use such fary things, as he, she, or they shall have occasion for and think bedding and fit, or shall be supplied with, during his, her, or their continu- linen, &c. as ance under any fuch arrest or commitment, without purloining they shall ance under any fuch arrest or commitment, without purloining they shall or inforcing or regions or restains or res or detaining the same, or any part thereof, or inforcing or re- shall be sup-

quiring plied with,

1759-

The L. C. Juftices of the King's Bench, Common the mayor and two aldermen of Landon, for the prisons within the faid city; L. C. Baron, with three juffices of the ry, for the faid countries, to meet and fettle a table be taken by the respective of; and to vary the fame as they shall see occation; or quarter fessions of the peace, to make like tabe taken by the gaolers within their respective jurifdictions. fees for London, Middlegaols, to be places to be

without pur- quiring him, her, or them, to pay for the having or using thereloining or de- of, or putting any manner of restraint or difficulty upon him, of, or obliging her, or them, in the using thereof, or relating thereto; and no them to pay fuch prisoner or prisoners shall pay any thing in respect therefor the same. of to any such theriff, under sheriff, bailiff of any liberty, gaoler, keeper, or other person as aforesaid.

V. And be it surther enacted by the authority aforesaid, That the lord chief justice of the court of King's Bench, the lord chief justice of the court of Common Pleas, and the lord chief baron of Pleas, and Ex. the court of exchequer, for the time being, or any two of them, chequer, with together with the mayor and two of the aldermen, or with three of the aldermen of the city of London without the mayor for the time being, for and in respect of the gools and prisons within the faid city of London; and the faid lords chief justices, and lord chief baron, or any two of them, with three justices of the peace of the counties of Middlesex and Surry respectively, for and in reand the L. C. spect of the gaols and prisons in the said counties of Middlesex Justices, and and Surry respectively; are hereby respectively required, with all convenient speed, to meet, from time to time, at such place as they shall think fit and appoint, and there to settle and establish a peace for Mid- table of the rates and fees which shall be allowed to be taken by dlesex and Sur. any gaoler or keeper in London, or in the several counties of Middlesex and Surry, where the same hath not been already establishprisons in the ed; and where the same hath been already established, they are hereby respectively authorized to meet together as aforesaid, and vary the same from time to time as they shall see occasion; and of the fees to the justices of the peace of every other county, riding, division, city, and place, for and in respect of the gaols and prisons in gaolers there- each other respective county, riding, division, city, town, and place, are hereby respectively authorized and required, at any general or quarter fession of the peace to be held for such county, riding, division, city, town, or place respectively, with all convenient speed, to settle and establish a table of the respective rates and juttices at and fees, which shall be allowed to be taken by any gaoler or their general keeper, within their respective jurisdictions, where the same hath not been already settled and established, and where the same hach been already settled and established, then to vary and alter the fame, from time to time, as there shall be occasion; and that bles of fees to the respective tables of such fees which shall be so made, varied, or altered, for or in respect of the several gaols and prisons within the city of London, and counties of Middle ex and Surry aforefaid, shall be signed, from time to time, by the said lords chief justices, and lord chief baron, or two of them, and the mayor Tables of the and two aldermen of the faid city of London, or by three aldermen of the faid city of London without the mayor, and by three fex, and Surry justices of the peace of the counties of Middlefex and Surry respectively, within their respective jurisdictions, by whom the figned by the same shall be respectively made, varied, or altered; and that the persons mak-tables of such sees, which shall be made, or altered, or varied, ing or altering for or in respect of the rest of the said gaols and prisons, shall, those for other from time to time, be signed by three or more of the justices of

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the peace who shall so make or vary, or alter, the same, at any signed by 3 fuch general or quarter session of the peace as aforesaid, and shall justices at the be afterwards reviewed and confirmed, or moderated, within that fions; part of Great Britain called England, by the judges of affize, and and to be reif within the principality of Wales, or county palatine of Chester, viewed, con-by the justices of great sessions respectively, at the next assizes, firmed, or moderated, by or great fessions, which shall be held in the respective counties, the judges of within their several circuits next after the making, or varying, or affize, or jualtering of any such table of fees; and the same shall be after- stices of great wards figned by the respective judges of assize, or justices of great sessions, with-fessions, who shall respectively review, confirm, or moderate the spective cirfame, and three or more justices of the peace of such respective cuits, county, riding, division, city, town, or place, under their respec- and be aftertive hands, for and in respect of the respective gaols and prisons wards signed within their respective circuits, counties, ridings, divisions, ci-

ties, towns, or jurisdictions.

VI. And be it also enacted by the authority aforesaid, That Rules and orproper rules and orders for the better government of the respect-better go-Ive gaols and prisons in that part of Great Britain called Eng-vernment of land, and of the prisoners who are or shall be therein, where the gaols, and fuch rules and orders have not already been made, shall, with prisoners therein, to be all convenient speed, be made by the several courts in Westmin- made by the ster Hall, for and in respect of the several gaols or prisons be-respective longing to fuch courts respectively; and by the said lords chief courts in justices, and lord chief baron, or any two or more of them, to- Westminster Hall, for the gether with the mayor and two aldermen of the faid city of Lon- gaols belong-don, or three or more aldermen of the faid city of London with- ing to such out the faid mayor, for and in respect of the gaols and prisons courts; within the said city of London; and by the said lords chief justices, and by the L. and lord chief baron, or any two of them, for the time being. C Justices, and lord chief baron, or any two of them, for the time being, and L. C. Batogether with three or more justices of the peace, for and in re- ron, with the spect of the gaols and prisons within the said counties of Middle- mayor and fex and Surry; and by three or more justices of the peace of each two aldermen, county, riding, or division, city, borough, town corporate, or in London; place, for and in respect of the gaols and prisons within their re- and by the spective counties, ridings, divisions, cities, boroughs, towns L. C. Justices corporate, or places, at some general or quarter sessions, as afore- and L.C. Bafaid; and the same shall afterwards be reviewed, and may be justices of the altered, if thought necessary, by the judge or judges of assize, or peace, for justice or justices of great sessions respectively, at the next affizes those in Midor great sessions which shall be held by them respectively, with- dlesex and in their several circuits, after the making or altering of any such and by 3 jurules or orders; and where any rules or orders for regulating or stices of the governing any fuch gaols or prisons have already been made, or peace, for hereafter shall be made, the same may, at all times hereafter, be those in any enlarged, altered, or amended, as there shall be occasion, by the sec. respective courts in Westmirster Hall, and other the persons for These to be the time being respectively authorized by this act to make and afterwards realter the same : and after every making, enlarging, altering, or viewed, and amending thereof, all such rules or orders so enlarged, altered, may be alteror amended, shall be signed by the judges of each respective court judges of as-

in fize, and ju-

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flices of great in Westminster Hall, where any such rules or orders shall be made, tellions respectively. Rules to be enlarged, altered, or amended as there shall be occasion; and to be duly figned. fuch orders, and tables of fees, to be enrolled, and entered upon record in the proper courts;

enlarged, altered, or amended, for and in respect of the prisons and prisoners belonging to the said courts respectively; and in respect to the other gaols or prisons, or the prisoners therein, by the respective persons, for the time being, hereby before authorized to make, and review, or alter, such rules or orders, within their respective jurisdictions, as aforesaid: and duplicates of every fuch table of fees which shall be made, enlarged, altered, or varied, and of all rules or orders which shall be hereafter made Duplicates of for regulating any gaol or prison in pursuance of this act, belonging to the said respective courts in Westminster Hall, shall be entered and inrolled on record in every such respective court, by the proper officer thereof, without any fee to be paid for the same; and a like duplicate of every fuch table of fees, rules, or orders, which shall be so made, varied, altered, or amended, and which shall concern or relate to any other gaol or prison, or the prisoners therein, in that part of Great Britain called England, shall, from time to time, with all convenient speed after the making or altering, enlarging or varying thereof, be transmitted to the respective clerks of the peace of the several counties, ridings, divisions, cities, or places, in or for which the same shall be made, altered, enlarged, or varied, and shall be by every such respective clerk of the peace, entered or registered on the rolls of the respective sessions without see; and every such clerk of the peace shall cause another copy thereof to be hung up in the court where every affize, great sessions, or quarter sessions of the peace, for every fuch county, riding, division, city, or place respectively, within his jurisdiction, shall be held, there to remain and be inspected as occasion shall require; and shall also cause and transmit- another copy thereof to be transmitted to every gaoler or keeper of any prison, within the jurisdiction of any such respective clerk of the peace; and every such gaoler or keeper shall forthwith, and kept hung after the receipt of any fuch table of fees, rules, or orders, cause the fame to be hung up in some open or publick room or place, and in a conspicuous manner, in his gaol or prison; and it shall be incumbent on every fuch gaoler or keeper, to take care that the same shall, from time to time, be kept up there, and preserved, so as that the prisoners in his gaol or prison may have free

and copies thereof to be hung up in all courts of affize, great feffions, and quarter feffions; ted to the respective gaol-CIS, up in fome publick room of each prifon.

occasion shall require, without paying any thing for the same. VII. And be it further enacted by the authority aforesaid, That the several courts of record in Westminster Hall aforesaid Hall to enquire shall hereafter, in every Michaelmas term, appoint some day in fuch term, to inquire whether fuch table of fees, and fuch rules or orders, as aforesaid, are hung up, and remain publick, and easy to be resorted to, in the several prisons to the said courts reare duly hung spectively belonging, and whether the same be duly complied with, and observed; and shall cause eight days notice to be given in every such Michaelmas term, to the prisoners in every of the respective prisons belonging to the said respective courts in Westminster Hall, of the time appointed for such inquiry, and shall

and eafy refort thereto, at seasonable times in the day time, as

Courts in Westminster annually, whether such tables of fees and orders up and complied with, and to give notice to the priloners of the time ap-

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Anno tricelimo secundo Georgii II. c. 28. 1759.

inform themselves touching the same in the best manner they pointed for can, and supply and redress whatever they shall find neglected or such inquiry.

tranigrelled.

VIII. And be it also enacted by the authority aforesaid, That justices of asthe judges and justices of assize, gaol delivery, and great sessions size, &c. to as aforesaid respectively, within their respective jurisdictions, make a like shall, at all affizes and lessions of gaol delivery and great sessions, inquiry; as aforesaid, which shall hereafter be held by them, make enquiry whether such table of fees, and rules or orders, as aforefaid, are hung up, and remain publick, to be resorted to in the and supply several gaols or prisons within their respective jurisdictions, and and redress whether the same be duly complied with, and observed: and what shall be shall inform themselves touching the same in the best manner necessary; they can, and supply and redress whatever they shall find neg- and charge lected or transgressed relating thereto, and shall expressly give in the grand charge to every grand jury impanelled and sworn before them inquiries respectively, to make enquiries concerning the same.

IX. And be it further enacted by the authority aforesaid, That Courts at the several courts of King's Bench, Common Pleas, and Exchequer, Westminster, judges of affize, and justices of great sessions, and justices of the judges of as-peace within their respective jurisdictions, and all commissioners of peace, and for charitable uses, do, from time to time, use their best endea- commissioners vours and diligence to examine after and discover the several for charitable gifts, legacies, and bequests, bestowed or given for the benefit uses, impowor advantage of the poor prisoners in the several gaols or prisons quire concernwithin their respective jurisdictions; and they are hereby seve- ing bequests rally authorized, within their respective jurisdictions, to send for, to poor priand cause to be brought before them respectively, any deeds, soners, wills, writings, books of account, and papers, as they soll as to fend for wills, writings, books of account, and papers, as they shall re- any papers ceive information of to be in the custody of any person within and persons their respective jurisdictions, and to concern the premisses; and that may give also may summon, and cause to come before them respectively, insight thereany person or persons whom they shall have any just reason to apprehend may be able to make any discovery concerning the same; and they are hereby authorized, within their respective jurisdictions, to examine any such person or persons on oath, in order to get at a true discovery thereof, and to order and settle the pay- and to settle ment, recovery, and receipt of any fuch gifts, legacies, or be- the payment, quests, when so discovered and ascertained, in such easy and ex-receipt of such peditious manner and way as shall be thought proper by them re- bequests. spectively, that the prisoners for the future may not be defrauded, but may, without delay, receive the full benefit of all fuch gifts, legacies, and bequefts, according to the true intent of the refpective donors thereof.

X. And be it further enacted by the authority aforesaid, That Table of bea list or table of such gifts, legacies, and bequests, for the bene-nefactions to fit of the prisoners in every gaol or prison respectively, as afore- be transmitted faid, shall, after every settling thereof, be transmitted by the per- to, and regifons hereby authorized to settle the same, unto the clerks of the stered by, the peace of the respective counties or places, and shall be registered clerks of the by them respectively, in the manner tables of sees and orders are

jury to make

herein

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and also to the gaolers of the prilons to which the fame relate, and be hung of fuch priions.

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herein before directed to be registered by them respectively, without any fee to be paid for the same; and that a list or table of such gifts, legacies, and bequests, shall be fairly written and transmitted, by order of such persons as aforesaid, to the gaoler or keeper of every gaol or prison to which the gifts, charities, or bequests, therein contained relate, and forthwith after the receipt publick place thereof, shall be hung up by the gaoler or keeper, who shall receive the same, in a conspicuous manner in some publick place in his gaol or prison, and where the prisoners in such gaol or prison may have free and easy resort thereto, as occasion may require, without fee; and it shall be the duty of every such gaoler or keeper, to take care that every such list or table of gifts which shall be transmitted to any such gaol or prison, or a true copy thereof, shall, from time to time thereafter, be kept hung up as aforesaid in his respective gaol or prison.

guilty of extortion, or other abuses, of the prisonmary way;

XI. And, for the more speedy punishing gaolers, bailiffs, and others, employed in the execution of process, for extortion, or other abuses in their respective offices and places, be it further enacted by ers, bailiffs, or the authority aforesaid, That upon the petition, in term time, others, shall be of any prisoner or person being, or having been, under arrest or in cultody, complaining of any exaction or extortion by any gaoler, bailiff, or other officer or person, in or employed in the the court, &c. keeping or taking care of any gaol or prison, or other place, upon petition where any fuch prisoner or person under, or having been under, arrest or in custody, by any process or action, is or shall have been mine into the carried or in respect of the arresting or apprehending any person same in a sum- or persons, by virtue of any process, action, or warrant, or of any other abuse whatsoever committed or done in their respective offices or places, unto any of his Majesty's courts of record at Westminster, from whence the process issued, by which any person who shall so petition was arrested, or under whose power or jurisdiction any such gaol, prison, or place, is; or in vacation time, to any judge of any fuch courts at Westminster, from whence any fuch process so issued; or to the judges of affize, or justices of great fessions, in their respective circuits; or to the judge or judges of any other court of record, where any prisoner or perfon being, or having been, under arrest or in custody, was arrested or in custody by process issued out of, or action entered in, any such other court of record within that part of Great Britain called England; and if within the principality of IVales, or county palatine of Chester, then to the justices at some great sessions to be holden for the county in the principality of IFales, or for the county palatine of Chester, where any such prisoner or person being, or having been, under arrest or in custody, was arrested or in custody, in the said principality of Wales, or county palatine of Chefter; every such court, judges of affize, and justices of great sessions, and judge and judges of all inferior courts of record, are hereby authorized and required respectively, within their several jurisdictions, to hear and determine the same in a summary way, and to make such order thereupon for redressing the abuses thereupon, for which shall, by any such petition, be complained of, and for pu-

and make fuch order

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nishing such officer or person complained against, and for making redressing the reparation to the party or parties injured, as they shall think abuse, and just, together with the full costs of every such complaint; and offender, as all orders and determinations which shall be thereupon made, they shall by any of the said courts, or any of the said judges, justices of think just; affize, justices of great sessions, judge or judges of any such in- and may in-ferior court as aforesaid respectively, in such summary way as is ence to such herein prescribed, shall have the same effect, force, and virtue, orders. and obedience thereunto may be inforced by the respective courts, judges, justices of affize, justices of great sessions, judge or judges of any such inferior court, by attachment, or in any other manner, as other orders of the said respective courts, judges, justices of assize and great sessions, judge or judges of

inferior courts of record, may be inforced.

XII. And be it further enacted by the authority aforesaid, Gaolerto take That no gaoler or keeper of any goal, or prison, or other per no other fees fon thereto belonging, thall demand, take, or receive, directly than what or indirectly, of any prisoner or prisoners, for debt, damages, shall be allow-costs, or contempt, any other or greater fee or fees whatsoever in the authen-for his her or their commitment or coming into good above ticated table for his, her, or their commitment, or coming into gaol, cham- of fees. ber rent there, release or discharge, than what shall be mentioned or allowed in the lift or table of fees which is or shall be settled, inrolled, and registered as aforesaid; and that every and sheriffs theriff, under theriff, bailiff of any liberty, bailiff, serjeant at and other ofmace, gaoler, and other officer and person as aforesaid, who ficers offendshall in any wife offend against this act, shall, for every such this act, to offence against this present act (over and above such penalties or forfeit sol. punishments as he or they shall be liable unto by the laws now (exclusive of in force) forfeit and pay to the party thereby aggrieved the fum other penalof fifty pounds, to be recovered with treble costs of suit, by party aggrievaction of debt, bill, plaint, or information, in any of his Ma-ed. jesty's courts of record at Westminster; wherein no essoin, protection, or wager of law, or more than one imparlance, shall be allowed.

XIII. And, for the ease and relief of prisoners who shall be charged in execution for any Jum or Jums of money, not exceeding in the whole the sum of one hundred pounds, and who shall be willing to satisfy their respective creditors so far as they are able, be it further enacted by the authority aforesaid, That from and after the Debtor charge fifteenth day of June, one thousand seven hundred and fifty nine, ed in execuif any person or persons shall be charged in execution for any tion for any fum or fums of money, not exceeding in the whole the fum of not exceeding one hundred pounds, or on which execution or executions there 100 1. &c. shall at any time remain due, as shall be made appear by oath, a fum or fums of money, not amounting to above the faid fum of one hundred pounds, and shall be minded to deliver up to his, her, or their creditor or creditors who shall so charge him, her, or them, in execution, all his, her, or their estate and effects, for or towards the satisfaction of the debt or debts wherewith he, she, or they, shall so stand charged; it shall and may may exhibit a be lawful to and for any fuch prisoner, before the end of the first petition to the

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term court,

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certifying therein the causes of his imprisonment, with a schedule of his real and perfonal estate at the time, and charges affecting the lame, and also the state of his effects at the time of his first imprisonment,

and the fecurities, bonds, notes, and books, relating thereto, with the names and places of abode of the witneffes. 14 days previous notice of fuch intended petition to be given to the attorney, at whole fuit he is charged in execution;

term which shall be next after any such prisoner shall be charged in execution by his creditor or creditors, to exhibit a petition to any court of law, from whence the process issued upon which any fuch prisoner was or were taken and charged in execution as aforefaid, or to the court into which any fuch prisoner shall be removed by Habeas Corpus, or shall be charged in custody, and thall remain in the prison thereof, certifying the cause or causes of his, her, or their imprisonment; and not only setting forth, in every such petition, a just and true account of all the real and personal estate which he, she, or they so petitioning, or any person or persons in trust for him, her, or them, is, was, or were intitled to at the time of his, her, or their so petitioning, and of all incumbrances and charges (if any there be) affecting any fuch real or personal estate of the person or persons so petitioning, but also a just and true account of all the real and personal estate which any such prisoner or prisoners, or any perfon or persons in trust for him, her, or them, or for his, her, or their use, was or were interested in, or intitled to, at the time of his, her, or their first imprisonment, in the action in which such person is charged in execution, either in possession, reversion, remainder, or expectancy, to the best of the belief of every such prisoner or prisoners, and so far as his, her, or their respective knowledge extends concerning the same; and likewife a just and true account of all securities wherein any part of the estates of any such prisoner or prisoners consists, and of all the deeds, evidences, writings, books, bonds, notes, and papers, concerning the same, or relating thereto; and the names and places of abode of the witnesses to all securities, bonds, or notes, and where they are to be respectively met with, so far as his, her, or their knowledge extends concerning the same: and before any such petition from any such prisoner or prisoners shall be received by any fuch court, every fuch prisoner or prisoners shall give or leave, or cause to be given or left, unto or for all and every the creditor or creditors at whose suit any such prisoner or prisoners shall stand charged in execution as aforesaid, or his, her or their executors or administrators, and at his, her, or creditor, or his their usual place of abode, or to or for his, her, or their attorney or agent last employed in any such action, suit, cause or causes, in case any such creditor or creditors, his, her, or their executors or administrators, cannot be met with, but not otherwise, fourteen days at least before any such petition shall be presented and received, a notice in writing, signed with the proper name or mark of every fuch prisoner or prisoners, importing therein, That such prisoner or prisoners as aforesaid, doth or do intend to petition the court from whence the process iffued, upon which he, she, or they stand charged in execution, or into the prison to which any such prisoner shall have been removed by Habeas Corpus, or shall stand charged in execution on any judgement, recovered on any bill or declaration filed or

with a copy of delivered in any such court; and also setting forth in every such notice or writing, a true copy of the account or schedule, inthe schedule he intends to cluding

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cluding the whole real and personal estate of the person or per- deliver into fons so deligning to petition, which he, she, or they doth or do court. intend to deliver into any fuch court (other than and except the necessary wearing apparel and bedding of the prisoner or prisoners, and his, her, or their family, and the tools or instruments of his, her, or their trade or cailing, not exceeding ten pounds Affidavit of in value in the whole) and an affidavit of the due service of every the due serfuch notice shall be delivered with every such petition, at the vice of such time of presenting thereof, and openly read in the court to delivered at which any fuch petition shall be addressed: and if such court the same time shall thereupon be satisfied of the regularity of every such notice, with the petifuch petition shall be received, and such court shall thereupon, tion into by order or rule of the same court, cause the prisoner or pri-read openly; foners so petitioning to be brought up to such court, on some and a rule to certain day in such order or rule to be specified, and the credi- be made, upon tor, or several creditors, at whose suit any such prisoner or pri- receiving the foners shall stand charged in execution, as aforesaid, his, her, petition, for bringing the or their executors or administrators, to be summoned to appear prisoner into personally, or by his, her, or their attorney, in such court, at court, and some certain day to be specified in such rule or order for that summoning purpose: and if any creditor or creditors of any such prisoner or the creditor, prisoners, who shall be so summoned, his or her executors or and the creadministrators, shall appear in person, or by his, her, or their at- ditor appeartorney; or if any such creditor or creditors, his or her executors ing or not apor administrators, shall refuse or neglect to appear in person, or pearing thereby his, her, or their attorney; then upon affidavit of the due Oath being service of such rule or order on him, her, or them, or his, made of the her, or their attorney, if any fuch creditor or creditors, his, due fervice of her, or their executors or administrators, cannot be met with, the rule, fuch court shall, in a summary way examine into the matter of examine into every fuch petition, and hear what can or thall be alledged on the matter of either fide, for or against the discharge of any such prisoner or the petition in prisoners who shall so petition; and upon such examination, a summary every such court is hereby required to administer or tender to and adminithe prisoner or prisoners respectively who shall so petition, and ster the oath give fuch previous notice thereof as herein before is directed, following to an oath to the effect following: that is to fay,

the prisoner.

A. B. do swear, in the presence of Almighty God, That the ac- The oath. count by me fet forth in my petition presented to this honourable court, doth contain a fuil and true account of the real and personal estate, debts, credits, and effects what sever, which I, or any in trust for me, at the tim of my first imprisonment in this action, or at any time since, had, or was in any respect intitled to, in possession, reversion, or remainder (except the wearing apparel and bedding of or for me and my family, and the tools or instruments of my trade or calling, not exceeding ten pounds in value in the whole) and also an account how much of my real and personal estate, debts, credits, or effects, bath fince been disposed of, released, or discharged, and how, to whom, and on what confideration, and for what purpole, and how much thereof I, or any person or persons in trust for me, have, or, at Vol. XXII.

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the time of my presenting my said petition to this honourable court, had, or which I am or was, or any person in trust for me, or for my use, is any ways interested in, or intitled to, in possession, reversion, remainder, or expectancy, and also a true account of all deeds, writings, books, papers, securities, bonds, and notes, relating thereto, and where the same respectively now are, to the best of my knowledge and belief, and what charges are now affecting the real estate I am now seised of, or intitled to (if any such prisoner or prisoners shall be then seised of any real estate) and that I have not, at any time before or fince my imprisonment, directly or indirectly, sold, leased, assigned, mortgaged, pawned, or otherwise disposed of, or made over in trust for myself, or otherwise than is mentioned in such account, any part of my messuages, lands, tenements, estates, goods, stock, money, debts, or other real or personal estate, whereby to have or accept any benefit, advantage, or profit, to myself or my family, or with any view, design, or intent, to deceive, injure, or defraud, any of my creditors to whom I am indebted.

So help me God.

Court may thereupon order an affignment to be made, on the back of the petition, of the priloner's estate and effects, and conveyed to the creditor, &c.

subject to prior incumbrances.

Creditor may thereupon manner as aifignees of ment, may be pleaded in

And in case any prisoner or prisoners as aforesaid shall, in open court, take the faid oath, such court in which any such oath as aforesaid shall be taken, may then immediately order the messuages, lands, tenements, goods, and effects, contained in such account, or so much of them as may be sufficient to satisfy the debt or debts wherewith any fuch prisoner or prisoners shall stand charged in execution, and the fees due to the warden, marshal, or keeper of the gaol or prison from which any such prisoner was brought, to be, by a short indorsement on the back of fuch petition, and to be figned by the prisoner, affigned and conveyed to the creditor or creditors who shall have charged any fuch prisoner in execution (if more than one) his, her, or their heirs, executors, administrators, and assigns, for the benefit of him, her, or them, who shall have so charged any such the same to be prisoner in execution (subject nevertheless to all prior incumbrances affecting the same) and the estate, interest, or property, of all messuages, lands, goods, debts, estates, and effects, which shall belong to any such prisoner, shall, by such affignment and conveyance as aforesaid, be vested in the person or persons to whom such assignment and conveyance shall be made, according to the estate and interest such prisoner or prisoners had therein respectively; and the creditor or creditors to whom any such assignment and conveyance shall be made, shall and take possession, may take possession of, and sue in his, her, or their name or and fue in like names for the recovery thereof, in like manner as affignees of commissioners of bankrupts can or may sue for the recovery of commissioners the estates and effects of bankrupts which shall be assigned and of bankrupts; conveyed to them; and no release of any such prisoner or priand no release soners, his or her executors or administrators, or any trustee of the prison- for him, her, or them, subsequent to such assignment and conto fuch affign- veyance, shall be pleadable, or be allowed of in bar of any action or fuit which thall be commenced by any fuch affignee or

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499 affignees of any fuch prisoner or prisoners, for the recovery of bar of any any of his, her, or their estate or effects; and upon every such such action. aflignment and conveyance being executed by any fuch prisoner upon to make or prisoners, he, she, or they, shall be discharged out of custody a rule for disby rule or order of fuch court, which shall be petitioned by any charge of the fuch prisoner; and such rule or order being produced to, and a prisoner; copy thereof being left with, any fuch theriff, gaoler, or keeper, of any prison as aforesaid, shall be a sufficient warrant to him to discharge every such prisoner or prisoners, if charged in execution, or detained for the causes mentioned in his, her, or their respective petition, and no other: and every such she- and the sheriff, gaoler, or keeper, is hereby required, on having fuch or- riff or gaoler, der produced to him, and a copy thereof left with him, to dif-being ferved charge and fet at liberty forthwith, every fuch prisoner and pri- with a copy soners who shall be ordered as aforesaid to be so discharged, the prisoner at without taking any fee, or detaining him, her, or them, in re-liberty. spect of any demand of any such sheriff, warden, marshal, gaoler, or keeper, for or in respect of chamber rent or lodging, or otherwise; or for or in respect of any sees theretofore claimed, or due to any such sheriff, goaler, or keeper, or any employed by or under him or them: and no fuch sheriff, gaoler, or keep- Sheriff not lier, shall asterwards be liable to any action of escape, or other able to action fuit or information on that account, or for what he shall do in of escape pursuance of this act; and the person or persons to whom the thereupon. estate and effects of any such prisoner or prisoners shall be as- Assignee to figned and conveyed, shall, with all convenient speed, sell and make sale of dispose of the estates and effects of every such prisoner which effects of the

shall be so assigned and conveyed, and shall divide the net pro- prisoner, duce of all fuch estates and effects amongst the creditors of every and make a fuch prisoner and prisoners, if more than one, who shall have dividend accharged any fuch prisoner in execution, before the time of fuch cordingly as prisoner's petition to be discharged shall have been presented, other credirateably and in proportion to their respective debts; but in case tors. the person or persons at whose suit any such prisoner or prison- But if the ers stood charged in execution as aforesaid, shall not be satisfied cause of dishewith the truth of any fuch prisoner's oath, and shall either per-lieving the fonally, or by his, her, or their attorney, if he, the, or they prifener's cannot personally attend, and proof shall be made thereof to oath, the fatisfaction of any fuch court as aforefaid, defire further time to inform him, her, or themselves of the matters contained and desire furtherein, any fuch court may remand any fuch prisoner or pri-information, foners, and direct him, her, or them, and the person or persons the court is to diffatisfied as aforefaid with fuch oath, to appear either in per- remind the

fon, or by his, her, or their attorney, on some other day to be prisoner back appointed by fuch said court, some time at furthest within the day. first week of the term next following the time of such examination, but sooner, if any such court shall so think sit; and all ob- Objections to jections which shall be made as to the insufficiency in point of the form of against any prisoner's schedule of his estates and esseets, the schedule, shall be only made the fift time any such prisoner shall be the first time

brought up; and if at fuch fecend day which thall be appoint-the prifener is K k 2

ed, brought up.

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Creditor not appearing the second day, or not making a further difcovery; Court to make a rule for difcharge of the priloner;

ditor infift upon his detention,

and covenant to allow him 2 s. 4d. per week;

but upon failure, at any time in the payment thereof, the prifoner, upon application to the court, to

upon executing fuch alfignment and conveyance as aforefaid. Priioner refuling to take the oath, or being derected of falfity thereto execute an amgnment, &c. of his eftate, to be continued in execution.

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ed, the creditor or creditors diffatisfied with fuch oath shall make default in appearing, either in person, or by his, her, or their attorney, or in case he, she, or they shall appear, if he, she, or they shall be unable to discover any estate or effects of the prifoner omitted in the account fet forth in fuch his or her petition; then, and in any such case, such court shall, by rule or order thereof, immediately cause the said prisoner or prisoners to be discharged, upon such prisoner or prisoners executing such affignment and conveyance of his or her estates and effects, in manner as affignments and conveyances of prisoners estates and unless the cre- effects are herein before directed to be made, unless such creditor or creditors who shall have charged any such prisoner or prisoners in execution as aforesaid, his, her, or their executors or administrators, doth or do infist upon such prisoner or prifoners being detained in prison, and shall agree, by writing figned with his, her, or their name or names, mark or marks, or under the hand of his, her, or their attorney, in case any such creditor or creditors, his, her, or their executors or administrators shall be out of England, to pay and allow weekly a sum not exceeding two shillings and four pence, as any such court shall think fit, unto the laid prisoner, to be paid every Monday in every week, fo long as any fuch prisoner shall continue in prison in execution at the fuit of any fuch creditor or creditors; and in every fuch case, every such prisoner and prisoners shall be remanded back to the prison or gaol from whence he, she, or they was or were fo brought up, there to continue in execution; but if any failure shall, at any time, be made in the payment of the weekly fum which shall be ordered by any fuch court to be paid to any fuch primer, fuch priloner, upon application in term time to the court where the fuit in which any fuch prisoner shall be charged in execution was commenced, or shall have been carried on, or in the prison of which court any such prisoner be discharged, shall stand committed on any Habeas Corpus, or in vacation time, to any judge of any fuch court, may, by the order of any fuch court, or judge, be discharged out of custody on every such execution, proof being made before such court, or judge, on oath, of the nonpayment, for any week, of the fum of money ordered and agreed to be weekly paid; but every fuch prisoner and prisoners, before he, the, or they shall be so discharged out of custody by any such rule or order, shall execute an assignment and conveyance of his, her, or their estates and effects, in manner herein before directed: and it any prisoner who shall petition or apply for his or her ditcharge under this act, shall refuse to take the faid oath herein before directed to be taken, or taking the same, shall afterwards be detected before any such court, in, or refusing or judge, of faltity therein, or thall refuse to execute such affignment and conveyance of his, her, or their estates and effects as aforelaid, as herein before is required to be made by him, her, or them respectively, he, she, or they shall be presently remanded and continue in execution.

XIV. Pro-

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XIV. Provided always, and be it further enacted, That where Where more more creditors than one shall charge any prisoner or prisoners creditors than in execution, and shall defire to have such prisoner or prisoners the prisoner's detained in prison, each and every such creditor and creditors detention, shall only respectively pay such weekly sum of money, not ex- they are to pay ceeding one shilling and fix pence a week, on every Monday in him each not exceeding 1 s. every week, to or for such respective prisoner, as the court be- 6d. per week, fore whom any such prisoner or prisoners shall be brought up to be discharged shall, at the time of his, her, or their being remanded, on such note for payment of the weekly sum ordered

to be paid being given, direct or appoint.

XV. And be it further enacted by the authority aforesaid, Prisoner That from and after the said fifteenth day of June, one thousand charged in feven hundred and fifty nine, where any prisoner or prisoners execution in shall be charged in execution in any county gaol, or in any other other gaols, gaol or prison above the space of twenty miles distant from distant from Westminster Hall, or the court or courts out of which the exe- Westminster, cution or executions shall be issued out against any such prison- like manner er or prisoners, then upon petition being made by any such pri- by petition, foner or prisoners to the court from whence any such execution and affidavit; against any such prisoner or prisoners issued, or in the prison of which court any such prisoner shall be and stand charged in execution, in the like form and manner as the petitions herein before-mentioned of prisoners are directed to be made, and on an affidavit to the purport as affidavits are herein before directed to be made in the case of prisoners in gaol not above twenty miles distant from the court out of which the execution against fuch prisoner issued, being made and left with such petition, and the court fuch court (on being fatisfied with the truth of fuch affidavit) is to make a rule hereby authorized and required to make a rule or order to cause thereupon, for the prisoner or prisoners, so petitioning, to be brought to the brought up to next affizes which shall be holden for the county or place where the next he, she, or they, shall be imprisoned, if the same shall be with- assizes, &c. in that part of Great Britain called England; and if within the principality of Wales, or county palatine of Chefter, then to cause fuch prisoner or prisoners to be brought to the next great feffions to be holden for the county in Wales, or county palatine of Chester, in which any such prisoner or prisoners shall be imprisoned; and the expence of bringing every such prisoner to 1s. per mile any such assizes, not exceeding one shilling a mile, shall be paid to be paid to to the gaoler, keeper, or officer, who shall bring any such pri- his expences, foner to any fuch affizes or great festions, in obedience to any out of the fuch rule or order as aforesaid served on him, out of every such prisoner's prisoner's estate or effects, if the same shall be sufficient to pay estate; fuch expence; and if not, then fuch expence shall be paid by or by the the treasurer of the county, riding, division, or place, in which treasurer of any fuch prisoner shall be imprisoned, out of the stock of the the county. county, riding, division, or place, as the same shall be allowed, directed, or ordered, by any fuch court from which any fuch execution shall have been issued against any such prisoner or prifoners, or in the prison of which any such prisoner shall be, by

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Creditors to

and upon affidavit made the court to for hearing the matter of the petition;

thereto, or not,

Proof being made of their being duly ferved with the notice, and copy of the schedule of the prifoner's estate, the court to proceed therein in a lum mary way;

the oath to the priloner;

and make fuch order in the premisses as th ill feem meet, and proceed as afore faid concerner's discharge.

one or more of the judge or judges of affize, justice or justices of great fessions: and the creditor, or several creditors, his, be summoned, her, or their executors or administrators, at whose suit any such prisoner or prisoners shall stand charged in execution as aforefaid, shall, by rule or order of the court from whence the process issued, be summoned to appear at the said next assizes or great sessions, if such creditor or creditors, his, her, or their exand a copy of ecutors or administrators, can be met with; and if not, then the attorney last employed for such creditor or creditors shall be the rule ferved on them; fummoned to appear there; and a copy of every such rule or order shall be served on every of such creditor or creditors, his, her, or their executors or administrators, or be left at his, her, or their dwelling houle or ulual place of abode, or with his, her, or their attorney last employed as aforesaid, fourteen days at least before the holding of any such assizes or great sessions; and on an affidavit of fuch fervice thereof being laid before the of such service, judge or judges of affize, justice or justices of great sessions as aforefaid, fuch judge or judges of affize, justice or justices of great appoint a time feilions respectively, on being satisfied with the truth of such affidavit, is and are hereby required to appoint a time for hearing the matter upon every fuch petition as aforefaid, on some certain day and time, on the crown fide of every fuch court or great fessions, and the credit during fuch affizes or great fessions; and upon the appearance there torsappearing of the creditor or creditors who shall be summoned in pursuance of this act, his, her, or their executors or administrators, or in default of the appearance, either in perion or by attorney, of the party or parties who shall have been summoned so to appear, then on proof of his, her, or their being duly served with the notice hereby required to be given, and a copy of the account of the real and personal estate of the prisoner or prisoners defiring to be discharged being comprised in such notice, and also of the rule of such court for his, her, or their appearance at fuch affizes or great fessions, having been duly served as herein before is directed, the judge or judges of fuch affizes or great fessions respectively, as the case shall happen to be, shall there, in a fummary way, examine into the matter of every fuch petition, and hear what can or shall be alledged, on either side, for or against the discharge of the prisoner or prisoners so petitioning; and upon every fuch examination, fuch judge and judges of alfize and great festions respectively, or any one of them, is and and administer are hereby impowered and required respectively, within their respective jurisdictions, to administer or tender to every such prisoner, the same oath as herein before is directed and appointed to be taken by any prisoner, before the judges of the court out of which the process, upon which any such prisoner was taken in execution, issued; and such said judge or judges of affize, justice or justices of great sessions respectively, or any one of them, is and are hereby respectively authorized and required to make fuch order in the premisses as to him or them shall seem meet, and to proceed in the same manner concerning the difing the prison charge of any prisoner or prisoners in any prison within their



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respective jurisdictions, and to give the same judgement, relief, and directions relating thereto, as any court out of which any process shall issue against any such prisoner as aforesaid, is herein before impowered and directed to do: and every order which shall be made in the premisses by any such judge or judges of Order to stand assize or great sessions, shall be as valid and effectual as if the good, and be fame had been made in the court out of which the process issued enter'd upon on which any fuch prisoner was charged in execution; and the fame shall be made a record of the proceedings at such assizes or great sessions, as the case shall happen to be, and a copy thereof shall, from thence, be transmitted to the court from whence the execution against the prisoner or prisoners discharged, iffued, or was awarded, figured by the judge or judges of affize or great fessions, to be a record of the said court, and to

be kept as such amongst the other records thereof.

XVI. And whereas it sometimes happens that persons who are prifoners in execution in gaol for debt or damages, will rather spend their substance in prison, than discover and deliver up the same towards satisfying their creditors their just debts, or so much thereof as such substance will extend to pay; be it therefore further enacted, That Prisoner reif any prisoner now committed to any prison or gaol, and charg- fusing to delied in execution for any debt or damages not exceeding the fum ver up his of one hundred pounds, besides costs of suit, shall not, on or estate and effects to sabefore the twenty ninth day of September, one thousand seven tisfy his crehundred and fifty nine, make fatisfaction to the creditor or cre-ditors, ditors, his, her, or their, executors or administrators, at whose fuit any fuch prisoner shall be so charged in execution for such debt or damages, and the costs of such suit; or if any prisoner, who after the faid fifteenth day of June, one thousand seven hundred and fifty nine, shall be committed or charged in execution in any prison or gaol, for any debt or damages not exceeding the fum of one hundred pounds, besides costs of suit, shall not, within three months next after every such prisoner, after the faid fifteenth day of June, one thousand seven hundred and fifty nine, shall be committed or charged in execution as aforesaid. make fatisfaction to his, her, or their, creditor or creditors. who shall charge any such prisoner in execution as aforesaid, his, her, or their, executors or administrators, for such debt, damages, and costs; then, and in any of the said cases, any such Creditors may creditor or creditors, his, her, or their, executors or admini- prisoner to be strators, is and are hereby authorized and impowered to require brought up every fuch respective prisoner or prisoners, on giving twenty and deliver indays notice in writing to him or her respectively, that such cre- to court a ditor or creditors, his, her, or their, executors or administrators, his estate and defign to compel any fuch prisoner to give in to the court at law, effects, and from which the writ or process issued on which any such pri- the incum. soner is or shall be charged in execution as aforesaid, or into the mances affectcourt in the prison of which any such prisoner hath been or thall upon outh; be removed by Habeas Corpus, or shall remain, or be charged in giving the execution, within the first seven days of the term which shall next prisoner 20 ensue the expiration of the said twenty days, in respect to any days notice Kk4

prisoner charged in any of the prisons belonging to any of the courts in Westminster Hall; and at the second court which shall be held by any such other court of record after the expiration of the faid twenty days, in respect to any prisoner charged in any prison belonging to any such other court; and where any such prisoner is or shall be charged in execution, in any county gaol, or other gaol or prison, above the space of twenty miles distant from Westminster Hall, or the court or courts out of which the writ or process on which any such prisoner is or shall be so charged in execution iffued, or shall iffue; then to give in, upon oath, at the affizes or great fessions as aforesaid, and on the crown fide thereof, which shall be held for the county or place in the prison of which any such prisoner shall be, next after the expiration of fuch twenty days from the time of giving any fuch notice as aforefaid to any fuch prisoner, a true account in writing, and to be figned with the proper name or mark of every fuch prisoner, of all the real and personal estate of such prisoner, and of all incumbrances affecting the same, to the best of the in order that knowledge and belief of such prisoner, in order that the estate and effects of fuch prisoner may be divested out of him or her, and may, by the court, judge or judges, justice or justices, as aforesaid, be ordered to be assigned and conveyed, in manner and for the purposes herein after declared: and every such creditor or creditors, as aforefaid, who shall require any such prisoner to be brought up as aforesaid, for the purpose aforesaid, Like notice to shall also give twenty days like notice in writing, of such his, her, or their intention, to require any such prisoner to be fuch intention brought up as aforesaid, to discover and deliver up his or her estate as aforelaid, to all and every other creditor and creditors of every fuch prisoner, at whose fuit any fuch prisoner shall be detained or charged in custody in any such gaol or prison, if such priloner shall be there detained in custody, or charged in execution, at the fuit of any other creditor or creditors besides the creditor or creditors giving such notice as aforesaid, if such other creditor or creditors can be found out or met with, and if not, then to the feveral attornies last employed in the respective actions or fuits, in which any fuch prisoner or prisoners shall be to detained or charged in cultody by any fuch other creditor or creditors of luch pritoner; and thall likewife give a like notice in writing to the sheriff or sheriffs, gaoler or keeper of the gaol or prison in which any such prisoner or prisoners shall be detained in custody, or committed or charged in execution as aforefaid, of such his or her intention to have any such prisoner so brought up, and to require such theriff or theriffs, gaoler them to bring or gaolers, respectively, to bring up every such prisoner accordingly: and every fuch notice which shall be so given to any fuch theriff or theriff, gaoler or gaolers, thall be to given to him or them respectively, twenty days at least before the time appointed for any fuch prisoner to be so brought up; and thereupon every such theritf or theritfs, gaoler or keeper, respectively, to whom any such notice as aforefaid thall be to given, thall,

at the costs of such creditor or creditors, his, her, or their, ex-

his effate and effects may be divested out of him, and affigned and conveyed as herein after directed. be given of to the other creditors;

and also to the theriff and gaoler,

requiring up fuch priioner;

who is to be brought accordingly at the c. Its of the creditors, Anno tricesimo secundo Georgii II. C. 28.

ecutors or administrators, cause every such prisoner to be brought, as by fuch notice in writing shall be required, to such court, alfizes, or great fessions as aforesaid, together with a copy or with a copy of causes of his or her respective detainer or detainers there; and his detainer. if any fuch theriff or theriffs, gaoler or keeper, on any fuch notice in writing being given to him or them as aforesaid, Sheriff or and tender being made to him or them, by or on the behalf of gaoler making any such creditor or creditors aforesaid, of reasonable charges, premisses, after not exceeding one shilling a mile, to bring up the prisoner or due notice prisoners required as aforesaid to be so brought up to any such given, and court, assizes, or great sessions as aforesaid, shall neglect to refuse reasonable to bring there the prisoner or prisoners so required to be brought charges, there as aforefaid, and at the time he or the shall be so required to be brought there, together with a copy of his, her, or their detainer or detainers in any fuch gaol or prison; every such she- forfeit 201. to riff and theriffs, gaoler and keeper, who thall fo offend in the the party agpremisses, shall, for every such offence, forfeit and pay the sum grieved, of twenty pounds, to be recovered by the party aggrieved by action of debt, bill, or information, in any of his Majesty's courts of record at Westminster, if any such offence shall be committed out of the faid principality of Wales, or county palatine of Chester; and if any such offence shall be committed in the principality of Wales, or county palatine of Chester, then in some with treble court of record in the faid principality of Wales, or county pa- costs of fuit. latine of Chefter, within the jurisdiction of which any such

offence shall be so committed, together with treble costs of suit. Prisoner, upon XVII. And be it further enacted by the authority aforefaid, proof of due That every prisoner charged, or who shall be charged, in exe-notice as acution as aforesaid, and who, in pursuance of this act, shall, at foresaid havthe defire of any of his, her, or their creditor or creditors, his him, is to deher, or their executors or administrators, be brought up to any liver in, upon fuch court, affizes, or great festions, as aforesaid, shall, on proof oath, to the being there first made of such notices as are herein before directed dule of his to be given having been given, deliver in there in open court, estate and efupon oath, within the time herein before for that purpose pre- fects, and signscribed, a full, true, and just account, disclosure, and discovery, ed by him; in writing, of the whole of his or her real and personal estate, and of all books, papers, writings, and fecurities, relating thereto. and also of all incumbrances then affecting the same, and the re'pective times when made, to the best of his or her knowledge and belief (other than and except the necessary wearing apparel, and bedding of fuch prisoner, and his or her family, and the neceffary tools or instruments of his or her respective trade or calling, not exceeding the value of ten pounds in the whole) which account shall be subscribed with the proper name or mark of the and is to affigu prisoner respectively who shall so deliver in the same; and on and convey the delivering in of any such account, the estate and effects of the same in every fuch prisoner shall be assigned and conveyed by such prisoner trust, for the respectively, by a short endorsement on the back of every such benefit of his account as shall be so delivered in, to such person or persons as creditors, the court, judge or judges, justice or justices, in which, or to whom, any fuch account shall be fo given in, shall order or di-

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they agreeing to his difcharge, and to accept a proportionable dividend of his effects; but if any shall refuse to agree thereto, for the creditors only requiring the brought up for the purpole aforefaid. Overplus remaining after priloner.

Prisoner complying, to the the court, to be fet at liberty;

28. 6d.

Anno tricesimo secundo Georgii II. C. 28. rect, in trust, and for the benefit of the creditor or creditors who shall have required any such prisoner to be brought up as aforefaid, and of fuch other creditor or creditors (if any) of every fuch respective prisoner at whose suit or suits any such prisoner shall be charged in custody, or in execution, in any such prison or gaol, and who shall, by any memorandum or writing to be figned by fuch creditor or creditors respectively, before any such conveyance or affignment shall be made, consent to any such prisoner's being discharged out of gaol or prison, at his, her, or their fuit or fuits, and also agree to take or accept a proportionable dividend of fuch prisoner's estate and effects, with the creditor or creditors who shall have required any such prisoner to be brought up as aforesaid; and if there shall be no other creditor or creditors as aforesaid of such prisoner, or there being any fuch, if fuch other creditor or creditors as aforesaid shall not then the same agree in writing to discharge such prisoner, and accept such proto be in truft, portionable dividend as aforesaid of the estate and effects of any fuch prisoner; then in trust for the creditor or creditors only who shall require any such prisoner to be brought up for the prisoner to be purpose aforesaid: and by such assignment and conveyance as aforesaid, all the prisoner's estate and effects shall be vested in the creditor or creditors to whom the same shall be assigned and conveyed, in trust as aforesaid; and if any overplus shall remain of any fuch prisoner's estate, after payment of the debt, or daall charges, to mages, and costs, which shall be due to any creditor or creditors be paid to the respectively at whose suit or suits any such prisoner as aforesaid shall, in pursuance of this act, be discharged out of gaol or prifon, on delivering up his or her estate and effects as aforesaid, and all reasonable charges expended in or by means of getting in of such estate or effects, the same shall be paid to such prifoner, his or her executors, administrators, or assigns: upon every fuch discovery, assignment, and conveyance, being made and executed by any fuch prisoner, to the satisfaction of fatisfaction of the court, judge or judges of affize, justice or justices of great fessions, before whom the same shall be respectively made, every fuch prisoner, and prisoners shall, by such court, judge or judges, justice or justices, be discharged, and set at liberty, in the actions and charges, at the fuit of the creditor or creditors, his, her, or their executors or administrators, who shall require any such prisoner to be so brought up, and also in the actions and charges of every other creditor of any fuch prisoner, his, her, or their executors or administrators, who shall sign any such consent as aforesaid, for any such prisoner's discharge, with the same benefit of making use of such his or her discharge, as is herein befere provided for prisoners seeking, and who shall obtain, their discharge, under the provisions contained in the former part of this act; and no greater fee than two shillings and fix pence in paying for his the whole, shall be paid or taken for any such discharge, by all or any officer or officers of any fuch courts, affizes, or great feffions; and no stamp shall be necessary on any such assignment and conveyance as aforesaid, or any rule or order, which shall



1759.] Anno tricelimo fecundo Georgii II. C. 28.

be made for any such discharge; but all the future effects of Future effects every such prisoner (other than except the necessary wearing ap-of the prisoner parel, and bedding, of such prisoner, and his or her family, and unsatisfied; the necessary tools or instruments of his or her respective trade or calling) thall be and remain liable to fatisfy his or her debts, if the lame shall not be fully paid from his or her estate which shall be assigned and conveyed as aforesaid; and no advantage thall be had or taken in any action or fuit which shall be hereaf- and no advan-ter commenced against any such prisoner, his or her heirs, execu- taken of the tors, or administrators, for that the cause of action did not accrue statute of within fix years next before the commencing of any fuch action limitation, or suit, unless such prisoner was intitled to take such advantage unless he was before he or she stood charged in custody by virtue of the origito before he nal fuit or action; and in any fuch, case the same may be pleaded stood charged by any fuch prisoner, his or her heirs, executors, or administra- in custody on tors: and if any prisoner charged, or who shall be charged, in the original execution, in any prison or gaol, and who shall be required as Prisoner negaforesaid to be brought up to any such court, assizes, or great lecting or fessions as aforesaid, shall neglect or refuse to deliver in and sub-resusing to scribe such just and true account of his or her whole estate and deliver in a effects in any such court, or at any such affizes, or great seffions schedule of his as aforesaid, as the case may happen to be, within the time herein effects, before limited or appointed for the doing thereof, or within fixty days then next following, without offering and making appear some just excuse for every such neglect or refusal, to be allowed of by the court, judge or judges of affize, justice or justices of great sessions as aforesaid, or who shall refuse to assign or to make an or convey his or her estate and effects, according to the order of affignment and any such court, judge or judges, justice or justices as aforesaid; conveyance he or she so offending in any of the said cases, and who shall be convicted of any such offence upon any indictment found against him or her, shall thereupon have judgment for transportation pronounced against him or her, and shall be transported, according to the laws made and now in force for transportation of to be transfelons, to some of his Majesty's colonies or plantations in Ame-ported for 7 rica, for the term of seven years: and if any such prisoner shall and delivering deliver in any false or untrue account of his or her estate or ef-in a false acfects, or shall defignedly conceal, and not insert in the account count, he or she shall deliver in and subscribe as aforesaid, any books, papers, fecurities, or writings, relating to his or her estate and effects, with intent to defraud his or her creditor or creditors, and shall be thereof convicted on any indictment found against to suffer the him or her in respect thereof; he or she so offending, and being pains and convicted as aforesaid thereof, shall suffer the pains and penal-penalties of ties which by law are to be inflicted on any person convicted of wilful perjury. wilful perjury.

XVIII. Provided also, and be it further enacted by the au-Persons conthority aforesaid, That if any person who shall take any oath as victed of perby this act is required to be taken, shall, upon any indictment jury to suffer; for perjury, be convicted by his, her, or their own confession, mer; or by verdict of twelve lawful men; the person so convicted shall

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Anno tricesimo secundo Georgii II. c. 28. 1759.

and be liable suffer the pains and forfeitures which by law are to be inflicted to be taken on on any person convicted of wilful perjury; and shall likewise be liable to be taken on any process de novo, and charged in exenovo, and cution for the faid debt, in the same manner as if he or she had charged in execution for not been discharged, or not taken or charged in execution before, the debt; and shall never after have the benefit of this act; any thing and never have the bene. herein before contained to the contrary notwithstanding. XIX. Provided likewise, and it is hereby further enacted, fit of this act. If the prison-

That if the effects of any prisoner or prisoners, which shall be assigned and conveyed in pursuance of this act, shall not extend to fatisfy the whole debt due to the creditors as aforefaid of the prisoner who shall be so discharged, and the sees due to the warden, marshal, or gaoler, from any such prisoner; then such warden, marshal, or gaoler, shall only receive a proportional dividend from such prisoner's estate, in respect of such sees, prorata dividend with with the other creditors as aforesaid of such prisoner or prisoners.

XX. Provided further, and be it hereby also enacled, That the prisoner or prisoners who shall be so discharged by virtue of this act, shall never after be arrested for the same debt or debts; liable to arrest, nor shall any action of debt be brought against him, her, or or action, for them, on any fuch judgment, unless he, she, or they shall, the same debt, under this act, be convicted of wilful perjury; but notwithed of perjury; standing any discharge obtained by virtue of this act for the perbut the judge- son of any such prisoner or prisoners, the judgment obtained against every such prisoner and prisoners shall continue and remain main in force, in force, and execution may at any time be taken out thereon and execution against the lands, tenements, rents, or hereditaments, goods thereonagainst or chattels, of any fuch prisoner or prisoners, other than and his estate and except the necessary wearing apparel, and bedding for him, her, or themselves and family, and the necessary tools for the use of his, her, or their trade or occupation, not exceeding ten pounds in value in the whole, as if he, she, or they had never been before arrested, taken in execution, and released out of prison, by virtue of, or under, this act.

Affignees may compound with the creditors in full discharge of their debts;

and fubmit disputes relating to the prisoner's estate and debts, &c. to arbitration,

XXI. And be it further enacted by the authority aforesaid, That any affignee or affignees to whom, by virtue of this act, the estate or effects of any prisoner or prisoners discharged by this act shall be assigned, is and are hereby impowered to make composition with any debtors or accountants to such prisoner or prifoners, where the same shall appear necessary or reasonable, and to take such reasonable part of any debt due, as can, upon any fuch composition, be gotten, in full discharge of such debt or account; and also to submit any difference or dispute concerning any part of any such prisoner's estate or effects, or by reason or means of any matter, cause, or thing relating thereto, or to luch prisoner or prisoners, or in respect of any debt claimed to be due to fuch prisoner or prisoners, to the final end and determination of arbitrators to be chosen by the said assignce or assignees, and the party or parties with whom any fuch difference shall be; and if fuch arbitrators cannot agree in the same, then to submit the fame to the determination of any umpire to be chosen by them,



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or otherwise to settle and agree the matter in difference or dispute between them, in fuch manner as fuch affignee or affignees thall think fit, and can agree; and the same shall be binding, as well the same to be to al! other of the faid prisoner or prisoners creditors as aforesaid, binding to who shall have charged him, her, or them, in custody or exe-creditors and cution, as also to every such prisoner and prisoners; and every Assignees infuch assignee and assignees is and are indemnified for what he or demnified they shall fairly, and without any fraudulent design, do in the therein.

premisses, according to the direction of this act.

XXII. And, to the intent the estate and effects of such prisoner or prisoners who shall be discharged by virtue of this all may be truly and fairly applied; be it further enacted by the authority aforesaid, That it shall be lawful for the respective courts at Westminster, On complaint from whence any process issued upon which any such prisoner or to court of any prisoners was or were charged in execution, and whose estate and insufficiency, effects in pursuance of this act shall have been assigned as by this fraud, misma-act is directed, or where any such prisoner shall have been charged other misbehain execution by process issued out of any other court, it shall be viour of the lawful for the judges of the courts of King's Bench, Common Pleas, affignees, and Exchequer, or any one of them, from time to time, on the petition of any creditor of fuch prisoner or prisoners who had charged any such prisoner in execution, or of such prisoner or prisoners, to any such court, or any judge thereof, complaining of any infufficiency, fraud, mismanagement, or other misbehaviour of any such assignee or assignees, to order the respective parties concerned to attend such court or judge on the matter of the parties to every such petition, at some certain time in such order to be be ordered to mentioned; and every such court at Westminster, and also every attend the judge thereof, on hearing the parties concerned therein, is and the court hereby authorized to make such order, and give such directions make such in the premisses, either for the removal or displacing such assig- order therein nee or assignees, and appointing any new or other assignee or as they shall assignees in the place or stead of such assignee or assignees so to think just. be removed or displaced, or for the prudent, just, or equitable management or distribution of the said estate and effects, for the benefit of the respective creditors as aforesaid of such prisoner or prisoners, as any of the said courts at Westminster, or judges there, On removal respectively shall think fit; and in case of the removal or of any affigdisplacing of any assignee or assignees, and the appointing of any prisoner's new assignee or assignees, the estate or effects of such prisoner or estate and prisoners shall from thenceforth be divested out of the assignee effects to be or affignees so removed or displaced, and he vested in, and de- vested in and livered over to, the new affignce or affignces, in the same manner, delivered over and for the like intents and purpofes, as the same were before affignees. vefted in the former affignee or affignees.

XXIII. And be it further enacted, That in all and every cafe Where mutual and cases where mutual credit shall have been given between where mut any prisoner or prisoners who shall be discharged under this act, been given, and any other person or persons, bodies politick or corporate, before the delivery of any schedule or inventory of the estate and effects of any such prisoner or prisoners, upon oath, as by this



Anno tricesimo secundo Georgii II. C. 29. 1759.

the affignees may only state the account, and demand the balance.

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to the benefit

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Scotland.

deliver up his

This act not to extend to

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of this act, who have

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act is herein before directed; then, and in every fuch case, the respective assignee or assignees of such prisoner or prisoners shall have power, and is and are hereby required, on his or their part or parts, to state and allow an account between them; and nothing more shall be deemed to be vested by any affignment which shall be made in pursuance of this act, as the estate or effects of such prisoner or prisoners, than what shall appear to have been due to him, her, or them respectively, and to be justly coming to him, her, or them, on or for the balance of fuch account when truly stated.

XXIV. Provided always, and be it further enacted by the authority aforesaid, That no person or persons who hath or have already taken, or shall hereafter take, the benefit of any act for the relief of insolvent debtors, shall have or receive any betake, the bene- nefit or advantage of or under this act, or be deemed to be within the meaning hereof, so as to gain any discharge, unless compelled by any creditor to discover and deliver up his or her estate and effects; any thing herein contained to the contrary notwithstanding.

XXV. And be it also enacted by the authority asoresaid, That this act, or any thing herein contained, shall not extend, or be construed to extend, to that part of Great Britain called Scotland.

CAP. XXIX.

An all for further regulating the power of taking samples of foreign spirituous liquors by the officers of excise; and also for impowering the traders to take such samples before the duties are charged.

Preamble, reciting clause in

WHEREAS by a clause in an act of parliament passed in the last session of parliament, intituled, An act for continuact 31 Geo. 2. ing certain laws therein mentioned relating to British sail cloth, and to the duties payable on foreign fail cloth; and to the allowance upon the exportation of British made gunpowder; and to the encouragement of the trade of the fugar colonies in America; and to the landing of rum or spirits of the British sugar plantations, before the duties of excise are paid thereon; and for regulating the payment of the duties on foreign exciseable liquors; and for the relief of Thomas Watfon, with regard to the drawback on certain East India callicoes; and for rendering more commodious the new passage leading from Charing Crols, in order to enable the gaugers or officers of excile the better to election the proof of all foreign imported liquors liable to the duties of excise, it was enacted, That it should be lawful to and for the gaugers or officers of the excise at any time or times to take a sample or samples (not exceeding one quart in the whole) out of each of the cashs, or other package, containing Such foreign Spirituous liquors, paving for Such sample or samples of liquors after the rate of fixteen stillings per gallon: and whereas the taking so great a quantity as a quart out of each of the faid casks, or other package, is unnecessary, and the paying for the same at the before mentioned rate will be detrimental to the



Anno tricesimo secundo Georgii II. c. 30. 1759.

revenue; and whereas till of late the importers or proprietors of such foreign spirituous liquors, or their factors or agents, were permitted to take a sample out of each cask, or other package, and to land such sample without paying any duty for the same, by means whereof they were enabled to, and did for the most part, sell such foreign spirituous liquors whilst on shipboard: And whereas for some time last past, such permission bath, in many instances, been refused, which hath proved a great inconvenience to the said trade: For remedy whereof it is hereby enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful for Gaugers, &c. the gaugers or other officers of excise, at any time before the impowered to gauging, to take a sample or samples, not exceeding half a pint take samples in the whole, out of each of the casks, or other package, con- gratis of spiritaining such spirituous liquors, without paying for the same; and not exceeding that it shall and may be lawful for the importers or proprietors half a pint, of such foreign spirituous liquors, their factors or agents, to take, out of each in the presence of one or more of the gaugers or other officers of cask; excise, a sample or samples, not exceeding half pint in the whole, &c. allowed out of every cask, or other package, containing fuch spirituous to take a like liquors, whilst the same shall be on shipboard, and before the quantity as landing thereof, and to land such sample or samples, without samples also, paying any duty for the fame.

II. Provided nevertheless, That still it shall and may be law-thereof; ful for the faid officers of excise to take the like sample or sam- Officers may ples, not exceeding half a pint in the whole, out of each cask, also take like or other package, containing such spirituous liquors, in any the landing shop, warehouse, or other place, belonging to any dealer in the and being fame, paying for fuch sample or samples (if demanded) accord-lodged in ing to the market price liquor of the like quality shall be sold for warehouses,

at the time fuch fample or famples shall be taken.

CAP. XXX.

An aet for making compensation to the proprietors of such lands and hereditaments as have been purchased for the better securing his Majesty's docks, thips, and stores, at Chatham, Portsmouth, and Plymouth, and for better fortifying the town of Portsmouth, and citadel of Plymouth, in pursuance of an act of the last session of parliament; and for other purpoles therein mentioned.

Preamble, reciting act 31 Geo. 2. A sum not exceeding 34.5211. 158. 9d. to be iffued and applied out of the aids granted for the fervice of the year 1759, towards making compensation to the parties interested. Bills to be made out for the respective sums and interest by the surveyor general of the ordnance, and debentures to be iffued thereupon; which are to be paid by the treasurer of the ordnance. Where the debentures shall be refused to be accepted, they are to be deposited with the clerk of the peace of the county, and acquitances taken for the fame; and the lands thereupon to vest to his Majesty's use. Where the parties interested shall be difabled by law from taking and dispoting of the money, it is then to be paid to the remembrancer of the exchequer, and to be laid out in the purchase of other lands, to be conveyed and settled to the same uses; and till such purchases can be made, is to be placed out at interest. The lands, &c. taken in for fortifying the docks at Portfinouth and Chatham, charge-

landing &c. paying for the fame.



Anno tricelimo fecundo Georgii II. C. 31, 32. [1759. able to the land tax and parish taxes, &c. which are to be paid by the ftorekeeper, and allowed in his accounts; and in case of nonpayment may

be levied on him.

CAP. XXXI.

An act for granting to his Majetty certain fums of money out of the finking fund; and for applying certain monies remaining in the exchequer for the service of the year one thousand seven hundred and fifty nine; and for relief of Samuel Taylor, with respect to a bond entered into by him for fecuring the duties on tobacco imported.

180,0761. 178. 3q. furplus remaining in the exchequer of the produce of the finking tund, for the quarter ending 5 April 1759, to be Mued and applied towards the supplies granted for the year 1759. A further fum not exceeding 2,250,000l. to be iffued and applied out of the growing produce of the faid fund, towards the faid fupply. Surplus remaining of the fum of 100,000l. granted in the last session towards defraying the charge of pay and cloathing of the militia; as also the sum of 73,3081. 3s. 10d. 1q. overplus of the grants for the year 1758; with the fum of 100,000l. repaid into the exchequer, being the fum voted to the Empress of Russia in the year 1755, to be issued and applied towards the faid supply. In case of want of money for carrying on the current service, the treatury may borrow a fum to make good fuch deficiency, upon the with interest. Bank may advance thereon any sum not exceeding 2,250,000l. notwithstanding the act of 5 & 6 W. & M. Treasury impower ed to discharge Samuel Taylor from the penalty and payment of the bond entered into by him for fecuring the duties on tobacco imported.

CAP. XXXII.

An all for the more effectual preventing the fraudulent importation of cumbricks and French lawns.

WHEREAS the acts made in the eighteenth and twenty first years of the reign of his present Majesty, for prohibiting the wearing and importation of cambricks and French lawns, have not been effectual to prevent the fraudulent importation thereof; therefore, for the amending and enforcing the faid acts, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of August one thousand seven hundred and fifty nine, no cambricks, French lawns, or other linnens whatfoever, of the kind usually entered under the denomination of cambricks, shall be imported, or brought into any port or place whatsoever within Great Britain, unless the same be cloth, contain. packed in bales, cases, or boxes, covered with sackcloth or canvas, each of which bales, cases, or boxes, shall contain one hundred whole pieces, or two hundred demi or half pieces, of fuch cambricks or French lawns.

II. And be it further enacted, That in case any cambricks or French lawns shall be imported in any other form or manner, or in any less quantity, than is herein before mentioned and allowed, in each and every of the said cases, the cambricks or French lawns so imported, or found on board any ship or vestel in this kingdom, shall be forfeited, and shall and may be seised by any officer or officers of the customs.

No cambricks or French lawns to be imported but in bales, &c. covered with ing each 100 whole pieces, or 200 half pieces; on penalty of forfeiture

thereof.

III. And



1759.] Anno tricesimo secundo Georgii II. c. 32.

III. And be it further enacted by the authority aforesaid, The same to That from and after the said first day of August one thousand be imported feven hundred and fifty nine, cambricks and French lawns shall only, and to be imported for exportation only, and shall be lodged in such be lodged in warehouse belonging to his Majesty, his heirs, and successors, as the King's the commissioners of the customs, or any three or more of them, warehouses, for the time being, shall appoint; and shall not be delivered out out under like of such warehouse, but under the like security and restrictions as security and East India goods, prohibited to be confumed in Great Britain, restrictions as are now liable to.

IV. And be it further enacted by the authority aforefaid, That from and after the faid first day of August, there shall be no cu- One half of stoms or duties whatsoever paid, or secured to be paid, for any the old subsidy cambricks or French lawns imported, or which shall be imported, payable only and deposited in such warehouse as aforesaid, other than one half upon the im-of the old subsidy, which is to remain by law, after the goods are

exported again.

V. And be it further enacted by the authority aforesaid, That What goods all and every person and persons having in their custody any shall be in pricambricks or French lawns imported before the faid first day of vate custody, August, for the exportation whereof, within the time limited by are to be delaw, bond has been given, shall, on or before the first day of posited by I August next, bring and deposite, or cause to be brought or depo- the King's fited, all fuch cambricks and French laws, in fuch warehouse as warehouses, shall be approved of by the commissioners aforesaid for that purpose; and upon the depositing of such goods in such warehouse and the bonds as aforefaid, the bonds for the exportation thereof shall be deli- thereupon to vered up to the person or persons who gave the same, or his or be delivered their heirs, executors, administrators, or assigns, who shall like-up, and the drawwife receive at the same time from the collector, or other proper back upon exofficer of the cultoms at the port where such bond was given, portation to be all the duties which fuch goods would be intitled to draw back Paid, upon exportation: and fuch goods shall not be again delivered and the goods out of the said warehouse but for the exportation thereof in not to be out of the said warehouse but for the exportation thereof, in delivered out like manner as if the same had been deposited therein at the im- again but for portation: and in case any person or persons shall sell, offer, or exportation. expose to sale, or, after the said first day of Argust, have in his, to sale, or her, or their custody or possession, for that purpose, any cam- found in pribricks or French lawns (other than in such warehouse as shall be vate possession, approved of by the faid commissioners as aforesaid) the same after the said shall be forfeited, and shall be liable to be searched for and seised day, that the seised, in like manner as other prohibited and uncuftomed goods are, and the offenand every fuch person shall also forseit two hundred pounds, over der to torteit and above all other penalties and forfeitures inflicted upon fuch 2001. extra. person or persons by any former act.

VI. And be it further enacted by the authority aforefaid, That In doubts if any doubt or question shall arise with respect to the species or concerning quality of the faid goods feited by virtue of this act, or where the the species or fame were manufactured, the proof thall lie on the owner or quality. Sc. et owners thereof, and not upon the profecutor; any law, cu- onus probability stom, or usage, to the contrary notwithstanding.

VII And conter. VOL. XXII.

prohibited East India goods.

to he on the

514

Goods feifed to be carried to the next custom-house,

be exported,

Recovery and the penalties.

Upon actions entered for pecuniary penalties, a capias in the first process to be Mued; and the defendant may give bail thereto, &c.

General iffue.

Treble cofts.

Anno tricesimo secundo Georgii II. C. 32. L1759.

VII. And be it further enacted by the authority aforefaid, That all the goods feised by virtue of this act, or any other cause of forfeiture, shall upon seizure thereof, be carried to the next custom-house, and after condemnation in due course of law, shall not be consumed or used in this kingdom, but shall be exported; and shall not be fold or delivered out of such waredemnation, to house, otherwise than on condition to be exported, nor until the buyer or buyers shall have given security for the exportation thereof, and observing all the regulations and restrictions prescribed for the exportation of East India goods prohibited to be confumed or used in Great Britain.

VIII. And be it further enacted by the authority aforefaid, application of That all the penalties and forfeitures by this act imposed, shall and may be fued for and recovered in any of his Majesty's courts of record at Westminster, or in the court of exchequer at Edinburgh, respectively, by action, bill, plaint, or information, in the name of his Majesty's attorney general, or in the name of his Majesty's advocate in Scotland, or in the name or names of some officer or officers of the customs; and that one moiety of every such penalty and forfeiture shall be to his Majesty, his heirs, and succesfors, and the other moiety thereof to fuch officer or officers of the customs who shall seize, inform, or prosecute for the same

IX. And be it further enacted by the authority aforefaid, That upon every action, bill, plaint, or information, entered and filed as aforefaid, for any pecuniary penalty imposed by this act, a capias in the first process shall and may issue, specifying the sum of the penalty fued for; and the defendant or defendants shall be obliged to give sufficient bail or security by natural born subjects or denisons, to the person or persons to whom such capias shall be directed, to appear in the court out of which such capias shall iffue, at the day of the return of fuch writ, to answer such fuit or profecution; and shall likewise, at the time of such appearance, give fufficient bail or fecurity, by fuch persons as aforesaid, in the faid court, to answer and pay all the forfeitures and penalties incurred for such offence or offences, in case he, she, or they shall be convicted thereof, or to yield his, her, or their body or bodies to prison.

X. And be it further enacted by the authority aforesaid, That if any action or fuit shall be commenced against any person or persons for any thing done in pursuance of this act, the defendant or defendants in any such action or suit, may plead the general iffue, and give this act, and the special matter in evidence, at any trial to be had thereupon; and that the same was done in pursuance and by the authority of this act; and if it shall appear fo to have been done, then the jury shall find for the defendant or defendants, and if the plaintiff shall be nonsuited or discontinue his action after the defendant or defendants shall have appeared; or if judgment shall be given upon any verdict or demurrer against the plaintiff, the defendant or defendants shall recover treble costs, and have the like remedy for the same, as defendants have in other cases by law.

CAP.

1759.] Anno tricesimo secundo Georgii II. c. 33.

CAP. XXXIII.

An act to explain and amend an act mad: in the last session of parliament, intituled, An act for granting to his Majesty several rates and duties upon offices and pensions; and upon houses; and upon windows or lights; and for raising the sum of five millions by annuities and a lottery, to be charged on the faid rates and duties; fo far as the same relates to the rates and duties on offices and pensions.

WHEREAS by an act made in the last selfion of parliament, Preamble, reintituled, An act for granting to his Majetty several rates citing clauses intituled, An act for granting to his Majesty several rates citing clauses and duties upon offices and pentions; and upon houses; and in an ast of upon windows or lights; and for raising the sum of five last session. millions by annuities and a lottery, to be charged on the faid rates and duties, it is (among other things) declared and enasted, That a deduction shall be made of the sum of one shilling out of every twenty shillings payable for or in respect of the fulary, wages, or fees, of any offices and employments payable by the crown in Great Britain, which exceed one hundred pounds per annum; and for or in respect of any pension or gratuity, which is or shall be payable out of any revenue belonging to his Majesty in Great Britain, exceeding the value of one hundred pounds per annum; and that the money fo deducted by the officers of his Majefty's exchequer in England, shall remain there for the purposes in the faid att declared; and that such part of the money as shall be so deducted by any officer or officers of the dutchies of Lancaster and Cornwall, or by any other commissioners, officers, and perfens, by whom the faid salaries, wages, fees, pensions, and gratuities, are or shall be respectively payable in England, shall be by them paid into the receipt of his Majefly's exchequer at Westminster : and whereas the fail recited directions may be expensive in the execution thereof, by subjecting each of the officers, commissioners, and persons, by the fail all required to make the deduction aforesaid, to a separate account before the auditors of the imprelis, for the several sums by them respectively dedutted: and whereas the faid recited directions have appeared to be in other respects inconvenient; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commens, in this present par- same deduct. liament assembled, and by the authority of the same, That all id for the dufums of money which on the fifth day of July, one thouland the upon offeven hundred and fifty nine, and afterwards from time to time, fices and ren-shall become due, and be deducted by virtue of the said act, for land, to be or in respect of the salaries, sees, or wages, of any offices and prodo or to employments payable by the crown in that part of Great Pritain receivers to be called England, Wales, or Berecick upon Treech, and for or in appended by respect of any pension or gratuity payable out of any revenue be- his Majoriy. longing to his Majesty, in England, Waler, or Berwick upon Tweed, shall, by the commissioners, officers, and persons deducting the fame, be respectively paid into the hands of a receiver or receivers to be for that purpole appointed by his Ma-LIZ

Anno tricesimo secundo Georgii II. c. 33. 516 jesty, his heirs, and successors; and it shall and may be lawful

3 d. in the pound allowed him for his trouble.

Deductions of the duties to be paid over quarterly to the receiver, and by him, within the quarter following, into the exchequer. An account of the falaries, delivered to the receivers; and entered by them in

The monies which have to have been deducted under the faid act, to be accounted for to the faid receivers, and patied by them.

Disputes concerning the charging any particular ofdeducted thereout, to be heard and determined by the

to and for such receiver or receivers to retain, out of the monies so paid into his or their hands as aforesaid, such sum, as a reward or compensation for his or their trouble, as his Majesty, his heirs, and successors shall appoint, not exceeding three pence in Security to be the pound; and the faid receiver or receivers shall give security given by him. for their good behaviour in discharging the trust in them reposed, by giving bond in such penalty, and with such surety or fureties, as the commissioners of his Majesty's treasury for the time being, or any three or more of them, or the lord high treasurer for the time being, shall think fit; and the payment of the several sums deducted as aforesaid, shall be made into the the hands of fuch receiver or receivers, in the course of the quarter wherein the faid fums shall have been deducted; and such receiver or receivers shall, within the compass of the next ensuing quarter, pay the same sums respectively into the receipt of his Majesty's exchequer at Westminster: and the several commissioners, officers, and persons, making the deductions aforesaid, are hereby directed and required, at the request of such receiver or receivers, to deliver to him or them a just and true account fees, and pen- of all and every the salaries, fees, and wages, and likewise of fions, &c. to be the annual pensions and gratuities by the said commissioners, officers, and persons respectively payable, and of the names of the persons intitled to receive the same; of which accounts the faid receiver or receivers are to enter exact copies in books to proper books. be by them kept for that purpose.

11. And be it further enacted by the authority aforesaid, That all fums of money which have been, or ought to have been, been, or ought deducted or retained under the faid act, by the officers of the exchequer, or of any other officer, or by any commissioner or commissioners, or other persons in England, Wales, or Berwick upon Tweed, for the duties payable under the said act of the thirty first year of his present Majesty's reign, for or in respect of the falaries, fees, or wages of any office or employment, or for or in respect of any pension or gratuity out of any revenue belonging to his Majesty, shall be accounted for to such receiver or receivers as shall be, in pursuance of this present act, appointed by his Majesty, his heirs, and successors; and the accounts thereof thail be examined, audited, and patfed, by fuch receiver or receivers, or one of them, and not by the auditors of the imprests, or the auditors of the court of Exchequer.

III. And be it further enacted by the authority aforefaid, That if any dispute shall arise whether the fees, salary, or wages of any office or employment, or whether any pension or gratuifice or pension, ty, be chargeable under the said act of the thirty first year of his present Majesty's reign, or under this act, or touching the sum of money which ought to be stopped and deducted out of fuch falary, fees, wages, pensions, or gratuities, such disputes shall be heard by the barons of the Exchequer in England, if the barons of the office or employment in question is exercited, or the pension or Exchequer in gratuity is payable, in England, If wer, or Berreick upon Tweed;



Anno tricesimo secundo Georgii II. c. 33. 1759-

or by the barons of the Exchequer in Scotland, if the office or England or employment in question is exercised, or the pension or gratuity Scotland reis payable, in that part of Great Britain; and such hearing is to be given on the complaint or representation laid in writing before the barons of the Exchequer in England or Scotland respectively, either by the party who shall think himself aggrieved, or by such receiver or receivers who shall be appointed in pursuance of this act, in respect of England, Wales, or Berwick upon Tweed, and by the receiver general or receivers in Scotland, in respect of that part of the united kingdom.

IV. Provided always, That the complainant shall give a complaint to copy of his complaint or representation to the person or persons begiven to the against whom the same is made, within ten days after the same person comshall have been lodged with the said barons; and the said ba- plained arons in England and Scotland respectively shall hear and deter- and to be demine fuch disputes in a summary way, and their determination termined in a

thall be binding without further appeal.

V. And whereas the profits of several offices and employments in way. Great Britain arife in the whole, or in part, from perquisites which are due and payable in the course of office; and it is therefore, by the faid att of the thirty first year of his present Majesty's reign, enacted, That such part of the sums of money thereby granted as are payable for or in respect of the profits of any office or employment in any part of England, Wales, or Berwick upon Tweed, which arise from Juch perquisites, shall be computed, raised, levied, and paid, according to the annual value at which such profits stood valued and rated to the last affeffment to the land tax; with a proviso, That Juch profits arising from such perquisites as aforesaid, should be deemed and taken to have been valued and rated in fuch left affeffment to the land tax, at so much only as the entire sum at which any such office was valued and rated in the faid affessment should exceed the amount of the salaries, wages, and fees, payable as aforesaid in respect of the Jame office: and whereas, for the better rating, ordering, levying, and collecting of the duty by the faid act charged upon such perquifites of fuch of the said offices and employments as are in that part of Great Britain called England, Wales, and Berwick upon Tweed, the commissioners of the land tax for the time being are thereby authorized and required to afcertain, and fet down in writing, the amount of the duty of one shilling in the pound, to be paid in pursuance of the faid att by all commissioners and other officers, their clerks, agents, Secondaries, Substitutes, and other inferior ministers and per-Sons what soever, having, using, or exercising, any of the said offices or employments, the salaries, wages, fees, and perquisites whereof, exceed the value of one hundred pounds per annum, within their respective hundreds, laths, wapentakes, rapes, wards, or other divisions, in proportion to the annual value at which the profits of fuch offices or employments respectively stood valued and rated in the last assessment to the land tax for the faid respective hundreds and divisions respectively: and whereas it bath been found that, in consequence of the faid before recited limitations put by the faid act upon the rating, valuing, and affesting, of the profits of effices and employments arising from per-L 1 3

Copy of the

The perauifites of office to be afcertained by the commissioners of the land tax, diftinct from the falarv, and independent of any former valuation. Offices, &c. where the perrool. to be rated is. in the pound. Receivers to transmit to the of the land tax, an account of all fuch offices, &c the fees and falaries whereof do not exceed Tool. per anmum; and fuch as, together, shall be found to exceed rool. be charged with the duty thereon. of 1s. in the pound. In future affellinents to the land tax, offices not to be rated higher than they were in 31 Gco. z.

Meaning of quilites alcertained.

quisites due and payable in the course of office, the said offices and emplayments have not contributed in equal proportion with those whereof the profits arise from Salaries, fees, and wages, payable by the crown; be it therefore enacted by the authority aforesaid, That the commissioners of the land tax for the time being shall fix and ascertain, according to their best judgement and discretion, the fum total or amount of the perquifites arifing from each and every office within their respective districts, distinct from the salary, fees, and wages, thereunto belonging, which are to be de ducted under the faid act, and independently of any former valuation or affessiment of the same to the land tax; and shall rate and affels all fuch of the faid offices and employments. quifites exceed whereof the perquifites shall be found to exceed one hundred pounds a year, at one shilling for every twenty shillings arising by the faid offices and employments.

VI. And, to the end that the duty of one shilling in the pound may be paid upon all offices and employments whereof commissioners the salary, fees, and wages, together with the perquisites, shall exceed one hundred pounds a year; it is hereby further enacted by the authority aforesaid, That the receiver or receivers to be appointed by virtue of this act, shall transmit to the commissioners of the land tax in every district where any office or employment is to be affessed, an account of all such offices and employments, whereof the fees, wages, and falaries, do not exceed one hundred pounds a year; and if the said commissioners as the land tax shall find the perquisites arising from the said office, with the falary, fees, and wages, of the fame, as certified by fuch receiver or receivers, to exceed together the amount of one hundred pounds a year, then the faid commissioners are to per ann. are to rate and affels such office and employment, and to cause the duty of one shilling in the pound to be levied and collected

> VII. Provided nevertheless, That in all future affessments to the land tax, the faid offices and employments shall not be valued or affested at any higher rates than those whereat the same offices and employments were respectively assessed and rated towards the land tax imposed by an act made in the thirty first year of his present Majesty's reign; any thing to the contrary thereof in any wife notwithstanding.

VIII. And, to prevent any doubts which might arise concerning the meaning of the word Perquifites, in the said act, and in this present act mentioned; be it declared and enacted by the authority aforesaid, That the same shall for the purposes of the the word Per- faid act, and likewise of this present act, be construed, deemed, and taken, as and for such profits of offices and employments in Great Britain, as arise from fees established by custom or authority, and payable either by the crown, or the subjects, in consideration of business done, from time to time, in the course of executing such offices and employments.

IX. And whereas in and by the faid att it is provided, That no commissioner of the land tax in England, Wales, or Berwick upon Tweed;



Anno tricesimo secundo Georgii II. C. 33.

Tweed, or commissioner of supply in Scotland, who shall be possessed of any office or employment subject and liable to the duty thereby imposed, shall sit, or act, or any ways interfere, in rating his own office or employment, but shall withdraw until the rating thereof be settled and determined by the rest of the commissioners then present: and whereas a doubt bath arisen whether any commissioner possessed of any such office or employment, can sit, or act, or any ways interfere, in the execution of the said act, in regard that the commissioners of the land tax are thereby constituted the affesfors, and that the making and signing any assessment to be made in pursuance of the said act by any commissioner possessed of any office or employment; might be deemed and taken to be fitting, acting, or interfering, in the rating of his Commission-own office or employment, although such commissioner had withdrawn, land tax not until the rating of his office was settled and determined; be it there- liable to pefore enacted by the authority aforesaid, That nothing in this or nalties for actin the faid in part recited act contained, shall be deemed or con-ing in the frued to extend to any such commissioner, for or in respect of mentioned, his making or figning any affestment made, or to be made, in provided they pursuance of the said in part recited act, or of this act; pro- withdraw durvided fuch commissioner thall have withdrawn, or shall with- ing the rating draw, until the rating of his own office or employment shall of their rehave been, or shall be, settled or determined.

X. Provided also, That the duty of one shilling in the pound Charitable charged by the faid act made in the thirty first year of his pre-donations exfent Majesty's reign upon pensions and gratuities, shall not, for empted from the future, be charged on, or payable out of, such pensions or duties; gratuities which his Majesty, his heirs, and successors, shall be pleased to declare in the warrant, order, or other instrument, directing payment thereof, to be intended as charitable donations; any thing to the contrary thereof in any wife notwith-

standing.

XI. Provided also, That nothing in the said act contained as also officers shall extend, or be construed to extend, to the charging of the of the army, faid duty upon any military officers serving on the staff or be and the hospifaid duty upon any military officers ferving on the staff, or be- tals; longing to any of his Majesty's garrisons, regiments, troops, companies, the royal hospital of Chelsea, or the hospitals of the army; any thing to the contrary thereof in any wife notwith-

standing.

XII. Provided always, and be it further enacted by the au- and the penthority aforesaid, That the said recited act passed in the thirty sions, annuifirst year of his Majesty's reign, or this act, or any thing there- ties, and in or herein contained, shall not charge, or be construed, deem- rents, &c. ed, or taken to charge, any pension, annuity, yearly payment, fee, or feerent, or sum, issuing out of, or charged upon, any revenues tail, &c. by belonging to his Majesty in Great Britain, that have been by his former Kings Majesty's royal predecessors, Kings or Queens of England, or by and Queens of act of parliament, granted unto any person or persons in see or see England; act of parliament, granted unto any person or persons in see or feetail, or till redeemed by payment of any fum or fums of money mentioned in any grant or act of parliament, with the faid duty or payment in the faid recited act of one shilling out of every twenty shillings thereof by the year, but that such pensions, L14

ployments.

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Anno tricesimo secundo GEORGII II. C. 34. 1759.

annuities, yearly payments, rents, or sums, shall be acquitted and discharged of, from, and against, the said duty, as if the faid recited act had never been made; any thing therein or herein contained to the contrary notwithstanding.

and offices in both univerti-Les.

XIII. Provided always, and be it further enacted by the authority aforesaid, That nothing in this act contained shall extend, or be construed to extend, to charge any offices or employments in either of the two universities in that part of Great Britain called England, with the duty by this act imposed.

CAP. XXXIV.

An all for the better preventing the importation of the woollen manufactures of France into any of the ports in the Levant sea, by or on the behalf of any of his Majefly's subjects; and for the more effectual preventing the illegal importation of raw filk and mobair yarn into this kingdom.

Preamble.

No woollen

may be im-

manufactures of France,

behalf of any

THEREAS the importation of woollen broad cloth of the manufacture of France into any ports or places within the Levant seas, by or on the behalf of British Subjects, is not only a manifest discouragement and prejudice to the woollen manufactures of Great Britain, but is also a means of affording relief to the enemy, and thereby enabling them to carry on the war against these kingdoms: now for the more effectually preventing such destructive commerce for the future, may it please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament affembled, and by the authority of the same, That from and after the passing of this act, no woollen broad cloth, or woollen goods, of the manufacture of France, shall directly or indirectly be imported by oron ported or carried into any port or place in the Levant seas, within the limits of any letters patent or charter granted to the governor and company of merchants of England trading into the Levant seas, commonly called The Turkey Company, by or on the account of any member of the said company, or any subject of this realm.

English subject, into any of the ports in the Levant feas; nor may Englifh goods be to imported, except direct. ly from Great Britain, unless certificate attested by the conful be produced from the last place of exportation, that the faid goods are originally British, &c.

II. And be it further enacted by the authority aforesaid, That no woollen broad cloth, or other woollen goods, of the produce or manufacture of this kingdom, shall be imported into any port or place in the Levant seas, within the limits of the said company's charter, except directly from this kingdom, by, for, or on account of, any British subject; unless the importer shall produce to his Majesty's ambassador, or to the consul or vice conful, or other proper officer appointed by the Levant company, at the port or place where fuch goods shall be imported, a certificate upon oath from the exporter or shipper of such goods, at the port or place where the fame goods were last exported from, that the same were brought or received from Great Britain; and in such certificate shall be described the name of



1759.] Anno tricesimo secundo Georgii II. c. 34.

the ship or vessel, and also of the master thereof, and the particular day or time when the fame goods were imported into fuch last loading port or place from Great Britain; which certificate shall be attested by the British consul, or person acting as consul in his absence, residing at such last loading port or place; and and the bills the faid shipper shall also produce to the said British conful, or of lading upperson acting as consul in his absence, the bill or bills of lading on the exporof the faid goods, which shall have been given or made out upon Great Britain, the shipping thereof from Great Britain; and the said consul, or be also properson acting as consul in his absence, shall take notice in the duced, and attestation of such certificate, that such bill or bills of lading notified in the were produced to him.

III. And be it further enacted by the authority aforesaid, Consul to en-That upon granting every certificate for the exportation of ter a dupli-British cloths or other woollen manufactures of this kingdom, certificate in for any port or place within the limits of the charter of the Le- a book to be want company, the conful, vice conful, or person acting as such, kept for that is hereby required to enter a duplicate of the faid certificate in purpose; a book to be by him kept for that purpose; in which book the which is to be faid duplicate being entered at the time of granting the certifi- figned by the cate shall be figned by the exporter or shipper of the goods, tak- exporter; ing the oath before required to be taken upon making out fuch and the same certificate; which book and entry of the duplicates of all fuch may be admin certificates shall be referred to, and received as final evidence, ted as eviin all disputes which may arise with respect to the truth or au-dence, and thenticity of fuch certificates; and fuch entries shall and may examined gratis.

be examined by all parties without fee or reward.

IV. And be it further enacted by the authority aforesaid, That Where the in all cases where the consul, or person acting as such, shall re- be suspected, ceive information, upon oath, fetting forth good reason to su- the consul is spect the truth or authenticity of any certificate, the said conful, to signify the or person acting as such, shall, and is hereby required, to fig-same to the nify fuch information to the importer, and to take fecurity in importer, and double the value of the goods: which security shall be forfeited, security; in case, upon a reference to the entries and books of the conful, and if fraud or person acting as such, at the port from whence such goods be discovered, shall be pretended to be imported, it shall appear that no such the security to certificate was granted; fuch security to be affigned to the in- and affigned former for his fole use and benefit.

V. Provided always, and it is hereby enacted, That as often former. as any fuch objections shall be made to any certificate produced Notice of such by any importer of woollen cloths, or manufactures, into any disputed cerport or place within the limits of the charter of the Levant com-tificate to be pany, and security shall be taken of the said importer as by this transmitted to the conful at act is directed to be taken; that in every such case, the ambassa- the port where dor, conful, or person acting as such, shall, by the first oppor- the same shall tunity, transmit to the consul, or person acting as such, at the be alledged to port or place at which such disputed certificate shall be alledged have been to have been granted, notice of such dispute, requiring from fuch conful or person, at the same time, an attestation under his hand and feal, determining whether the certificate in difpute

to the in-

Anno tricesime secundo Georgii II. c. 34.

who is to return an atteftation concerning the fame, which is to be laid before the importer, and be vacated or torteited accordingly.

Woollen goods imported without tuch certificate, otherwife than directly from England, deemed to be French,

and may be leized.

Factor to make oath, before exportation, that the goods chaied with, or taken in barter for, French goods.

Importer of into Great Britain, to make oath, before the the fame were French woollen goods,

was granted by him; and such attestation shall be transmitted by the faid conful, or person acting as such, by the first opportunity, to the ambassador, consul, or person acting as such, at the port or place where the dispute shall arise, who is hereby required, upon the receipt thereof, to lay such attestation before the faid importer; and in case the certificate be by such attestation verified, the fecurity shall be immediately cancelled; but the fecurity to if the certificate shall by such attestation be found not to have been granted, the ambassador, consul, or person acting as such, is hereby required to levy the penalty by diffress and sale of the goods and chattels of the perion or perions giving the former fecurity, by warrant under the hand and feal of fuch ambaffador, conful, or person acting as such; which warrant he is hereby authorized to iffue; and the faid penalty, when recovered, shall be applied in manner as is before by this act directed.

VI. And be it further enacted by the authority aforefaid, That all fuch woollen goods as shall be imported into any port or place within the limits of the faid Levant company's charter, by, for, or on the account or behalf of any British subject, without such certificate as aforesaid, other than such as shall be imported directly from England, shall be deemed, and construed, and taken, to be woollen goods of the manufacture of France, within the true intent and meaning of this act; and his Majejesty's ambassador, and the consul, or vice consul, or other proper officer appointed by the faid Levant company are hereby impowered and required respectively to cause the same to be seized and conficated.

VII. And be it further enacted by the authority aforesaid, That every merchant or factor who shall be a subject of Great Britain, or residing under the protection of the British ambassador, or any conful, or vice conful, or the person acting as such in his abwere not pur- fence, within the limits of the said company's charter, shall, before the exportation of any goods or merchandize whatfoever from any port or place within the limits aforesaid, make oath before the faid ambaffador, or fuch conful, or vice conful, or the person acting as such in his absence as aforesaid, that such goods or merchandize so intended to be exported, were not purchased by fuch merchant or his factor, with his knowledge, with the produce of, or taken in barter or exchange for, French woollen broad cloth, or any other woollen manufactures of France, fince the passing of this act.

VIII. And be it further enacted by the authority aforesaid, Turkish goods That from and after the passing of this act, every person who shall import into Great Britain or Ireland any goods, wares, or merchandize whatsoever, of the growth, produce, or manufacture, of the Turkish dominions, within the limits of the said landing, that company's charter, shall, before such goods, wares, or mernot purchased chandize, shall be permitted to be landed, make oath before with, or taken his Majesty's commissioners of the customs, or the collector or in barter for, comptroller, or other principal officer of the customs of such port or place where fuch goods, wares, or merchandize, shall



Anno tricesimo secundo GEORGII II. C. 34. 1759.

be imported, that the same, or any part thereof, were, or was not, by himfelf, or his correspondent, with his knowledge, directly, or indirectly purchased by or with the produce of, or taken in barter or exchange, for any kind of woollen broad cloth, or any other woollen manufactures of France, fince the paffing of except the this act, except such as shall have been condemned as lawful same shall be

prize.

IX. And be it further enacted by the authority aforefaid, If a certificate That in case any certificate to be granted pursuant to this act shall shall be lost or happen to be lost or missaid, the master or other person having missaid, the charge of the ship or vessel, on board whereof the goods to master tomake which such certificate did relate shall be loaden, shall, before ing the same, the landing of such goods, make oath before his Majesty's am- and the purbaffador, or the conful or vice conful of the port of discharge port thereof, of the said ship, thereby setting forth, according to the best of his remembrance and belief, the purport of such certificate, and that the same is so lost or missaid, and that he doth not know what is become thereof, and that the same hath not been with his privity, consent, or knowledge, delivered or disposed of to any person or persons whatsoever; and the said master or other and give secuperson navigating the said ship or vessel, or the consignee or rity for proconfignees of the goods to which such certificate did relate, shall plicate therealso give sufficient security, in the penalty of double the value of; of the said goods, to his Majesty's ambassador, or to the consul or vice conful, or the person acting as such in his absence, of the port or place where the faid goods shall be imported, for procuring and delivering to his Majesty's ambassador, or to the faid conful or vice conful, or the person acting as such in his abfence, within a reasonable time to be by him appointed, a duplicate of such certificate so lost or mislaid : and, upon making Licence theresuch oath, and giving such security, as aforesaid, his Majesty's upon to be ambassador, or the said consul or vice consul, shall grant the granted to faid master, or the consignee of the said cargo, leave or licence import the to import the goods mentioned in the said oath; and the same goods. thall and may thereupon be lawfully landed and imported.

X. Provided nevertheless, That nothing in this act contained Prize woollen shall extend, or be deemed, construed, or taken to extend, to goods may be hinder or prevent the shipping, transporting, importing, selling, or disposing of, any woollen goods or woollen manufacture of any country whatfoever, which shall have been taken from the enemies of the crown of Great Britain, and condemned as lawful prize, by any thip or thips of war, or privateer, belonging to, or bearing commission from, his Majesty, his heirs, or successors.

XI. Provided, That at the time of the importation of such upon producprize cloths, a copy of the sentence of condemnation, signed by ing a copy of the person condemning the same, shall be delivered to the con- of condemnaful, or person acting as such, at the port or place of importa-tion to the

XII. And whereas by an act of parliament passed in the twelfth Recital of year of the reign of his late majesty King Charles the Second, inti-clauses in act tuled, 12 Car. 2.

prize goods.

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Anno tricesimo secundo Georgii II. c. 34. [1759.

tuled, An act for the encouragement and increasing of shipping and navigation, it was, amongst other things, enacted, That no goods or commodities of foreign growth, production, or manufacture, and which should be brought into England, Ireland, Wales, the islands of Guernsey or Jersey, or town of Berwick upon Tweed, in English built shipping, or other shipping, as therein before mentioned, should be shipped or brought from any other place or places, country or countries, but only from those of the Said growth, production, or manufacture, or from those ports where the said goods or commodities could only or usually had been first shipped for transportation, and from none other places or countries, under the penalty of the forfeiture of all fuch goods as should be imported from any other place or country, contrary to the true intent and meaning of the faid all, as also of the ship in which the same were imported, with all her guns, furniture, ammunition, tackle, and apparel, one moiety to his Majefly, bis heirs, and successors, and the other moiety to him or them that should seize, inform, or sue for the same, in any court of record, to be recovered as in the said act is expressed: and it was by the same all provided, That the said all, or any thing therein contained, should not extend or be meant to restrain and probibit the importation of any of the commodities of the Streights or Levant feas loaded in English built shipping, and whereof the master, and three fourths of the mariners at least, were English, from the usual ports or places for loading of fuch commodities theretofore, within the faid Streights or Levant feas, though the same were not of the very growth of the said places: and whereas by another all of parliament made in the fixth year of the reign of his late majefly King George the First, intituled, An act for prohibiting the importation of raw filk and mohair yarn of the product or manufacture of Afia, from any ports or places in the Streights or Levant feas, except fuch ports and places as are within the dominions of the Grand Seignior; after reciting the aforefaid clause, and also the aforesaid proviso in the said att of the twelfth year of the reign of his said late majesty King Charles the Second, herein before recited, and also reciting that the woollen minufacture in France had fince that time been greatly increased, and very large quantities of such goods were then annually imported from thence to Turkey, in return whereof, were brought from thence raw filk, and other commodities, to Marseilles, and other ports in France, great quantities whereof were carried into Italy, and from thence imported into Great Britain, in English Shipping, greatly to the discouragement of the weetlen manufactures of Great Britain, and the advancement thereof in France, and that without some speedy care therein, the British trade to Turkey would be daily lessened, and was in danger of being lost; it was by the faid all enasted, That from and after the twenty ninth day of September one thousand seven hundred and twenty, the faid recited clause or proviso, as to the importation of raw silk and mohair yarn of the product or manufacture of Afia, should be, and was thereby repealed, excepting only as to the ports and places in the faid Streights or Levant feas, which were within the dominions of the Grand Seignior: and whereas by another all of parliament falled in the thit -



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thirteenth and fourteenth years of the reign of his said late majesty King Charles the Second, intituled, An act for preventing frauds, &13&14Car and regulating abuses, in his Majesty's customs; reciting, that there were great practices and combinations between the importers and owners of goods and merchandizes, and the seizers and informers, with design and intent to defraud the force of the law, and his Majefty, of his duties and customs, it was enacted, That no ship or ships, goods, wares, or merchandizes, should be feifed as forfeited, for or by reason of unlawful importation, or exportation, into, or out of, this kingdom of England, dominion of Wales, or port and town of Berwick, but by the person or persons who were or should be appointed by his Majesty to manage his customs, or officers of his Majesty's customs for the time being, or such other person or persons as should be deputed and authorized thereunto, by warrant from the lord treasurer, or under treasurer, or by special commission from his Majesty under the great or privy feal; and if any seizure should thereafter be made by any other person or persons what soever, for any the causes therein before-mentioned, such seizure should be void and of none effect : and whereas great qua :: i'es of raw filk of the product or manufacture of Asia have imported into this kingdom, under various denominations and pretences, from Leghorn, and other ports and places from whence the same may not be lawfully imported into England, contrary to the said acts prohibiting the same, and to the great prejudice of the trade of this kingdom: now, for the more effectually preventing such where raw a illegal practices for the future, be it further enacted by the autho- filk, or mo-e rity aforesaid, That in case any raw filk or mohair yarn, or any hair yarn, or thip or vessel bringing the same into England, Ireland, IV ales, the porting the islands of Guernsey or Fersey, or town of Berwick upon Tweed, same, shall b at any time from and after the passing of this act, shall be seiz- seized, as fo ed, as forfeited by virtue of all or any of the faid herein before feited by virtue of any of the faid herein before tue of any of in part recited acts of parliament, then, and in any fuch case, the recited it shall not be lawful for any officer or officers, or other person acts, or persons who shall make such seizure, to release or abandon the seizure the fame, or delay or omit to proceed to judgment for the con- may not be demnation thereof, as the law in that behalf directs, without without acfirst acquainting the governor, deputy governor, treasurer, or quainting the husband, of the said company, or their successors, or their known company of fecretary for the time being, by writing, of his or their inten-fuch inten-tion to relinquish or abandon such seizure; and such officer or and delivering officers, or other person or persons, shall, at the same time, de- in a schedule liver to the said governor, deputy governor, treasurer, husband, of the seizure; or secretary of the said company, or of their successors, a copy of the schedule of such seizure: and in case the said governor and and where the company, or any committee thereof, thall, within feven days company thall after such notice, give bond, or offer to give bond, under the give bond to common seal of their corporation, in the penal sum of one thou- other; fand pounds, with condition thereunder written for indemnifying and faving harmless such officer or officers, or other person or persons, of, from, and against, all costs of suit, charges, damages, and expences, which such officer or officers, or other person or persons, shall be necessarily put to, or may pay or sustain, in

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Continuance of the act.

Anno tricesimo secundo GEORGII II. c. 35.

case such ship, vessel, or goods, so seized, shall not be adjudged, upon the trial or hearing concerning the condemnation thereof, to have been forfeited; that then such officer, or other person or persons, shall not voluntarily abandon or relinquish such seizure, or omit to commence or bring, nor discontinue any proceedings commenced for the condemnation of such ship, vessel, or goods, without the confent of the faid company, or fome committee thereof; but shall, with all convenient speed, proceed to judgment concerning the legality of fuch feizure; any law, or construction of law, to the contrary notwithstanding.

XIII. Provided nevertheless, That any person, being a member of the faid company, shall be admitted to give evidence, either for the plaintiff or plaintiffs, relator or relators, or defendant or defendants, upon any trial, hearing, or examination, concerning the condemnation or legality of the leizure of the goods, thip, or veffel, to which any tuch bond, fo to be given as aforesaid, shall relate; any such bond, or any law, or construc-

tion of law, to the contrary notwithstanding.

XIV. And be it further enacted, That this act shall be deemed, adjudged, and taken to be, a publick act, and be judicially taken notice of as fuch, by all judges and other persons what-

foever, without the fame being specially pleaded.

XV. And be it further enacted by the authority aforefaid, That if any person or persons shall, at any time or times, be sued or profecuted for any thing by him or them done or executed in pursuance of this act, or of any matter or thing in this act contained, such person or persons shall and may plead the general issue, and give the special matter in evidence for his or their defence; and if, upon the trial a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonfuited, or discontinue his or their action, then such defendant a reble costs. or defendants shall have treble costs to him or them awarded, against such plaintiff or plaintiffs.

> XVI. Provided always, That this act, and every thing contained therein, shall continue and be in force during the present

war with France, and no longer.

CAP. XXXV.

An all for augmenting the salaries of the puisne judges in the court of King's Bench, the judges in the court of Common Pleas, the barons of the coif in the court of Exchequer at Westminster, the judges in the courts of Session and Exchequer in Scotland, and justices of Chester, and the great sessions for the counties in Wales.

Preamble.

WHEREAS the falaries of the puisne judges in the court of King's Bench, the judges in the court of Common Pleas, the barons of the coif in the court of Exchequer at Westminster, the judges in the courts of Session and Exchequer in Scotland, and the justices of Chester, and of the great sessions for the counties in Wales, are inadequate to the dignity and importance of their offices:



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and your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament affembled, being defirous to augment the said salaries, do give and grant unto your Majesty, in order to establish in the first place a proper fund for the augmentation of the salaries of the said judges in the courts at Westminster, and justices of Chester, and the great sessions for the counties in Wales, the duties herein after mentioned, and do therefore most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the fifth day Additional of July, one thousand seven hundred and fifty nine, there shall stamp duties be throughout England, the dominion of IVales, and town of charged on Berwick upon Tweed, raised, collected, levied, and paid, unto every piece of and for the use of his Majesty, his heirs, and successors, for vellum, parch every piece of vellum, parchment, or paper, on which the se-per, used in. veral and respective matters and things herein after mentioned, such matters, shall be ingrossed or written at any time or times after the said to take place fifth day of July (over and above the rates, duties, charges, and 5 July, 1759. fums of money, now due and payable to his Majesty for or in respect of the same) the further several and respective rates, duties, charges, and sums of money following; that is to say,

For every piece of vellum or parchment, or sheet or piece of viz. upon af paper, upon which any affidavit to be made use of in any court fidavits filed, of law or equity at Westminster, or in any court of the great or read in fessions for the counties in Wales, or in the court of the county courts, 6d. palatine of Chester, shall be ingrossed or written (except affidavits (Assidavits fo taken pursuant to several acts made in the thirtieth and two and burying in woollen, and thirtieth years of the reign of King Charles the Second, for bu- those taken rying in woollen; and except such affidavits as shall be taken before officen before the officers of the cultoms, or any justice or justices of of the cultoms, the peace, or before any commissioners appointed, or to be ap-justices, or commissioners pointed, by any act of parliament, for the affesting and levying of the publick any aids or duties granted or to be granted to his Majesty, his taxes, exceptheirs and fuccesfors, and which affidavits shall be taken by the ed.) faid officers of the customs, justices, or commissioners, by virtue of their authority as justices of the peace, or commissioners respectively, and not otherwise) the sum of six pence.

For every piece of vellum or parchment, or sheet or piece of Upon copies paper, upon which any copy of such affidavit as is herein before of the faid afcharged, that shall be filed or read in any of the said courts, shall fidavits, 6d. be ingroffed or written, the fum of fix pence.

For every piece of vellum or parchment, or sheet or piece of Upon filing a paper, upon which any common bail to be filed in any court of common bail law at IVestminster, or in any of the aforesaid courts, and upon or appear-which any appearance that shall be made upon such bail, shall ance, od. be ingroffed or written, the fum of fix pence.

For every piece of vellum or parchment, or sheet or piece of Upon a rule paper, upon which any rule or order made or given in any the or order of courts court, 6d.

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on a copy the luch rule not order, 6d. ou pon original feirits, &cc. except where i Capiasillues) bor other procourt, where the debt or damage amounts to 40s. or more, 6d.

> articular its except-

on deposiity (paper ughts reof exited) pies of bills, iwers, eas, or other oceedings

on declaraons, and her pleadgs in courts law, rd. pon any py thereof,

Thefe duties to be under the management of the commissioners for the other stamp duties;

who are to employ proper officers under them, and provide fit ftamps for the purpole, and do all other matters

Anno tricesimo secundo Georgii II. C. 35. 1759. courts at Westminster, either courts of law or equity, shall be

ingroffed or written, the fum of fix pence.

For every piece of vellum or parchment, or sheet or piece of paper, upon which any copy of fuch rules or orders entered,

thall be ingroffed or written, the fum of fix pence.

For every piece of vellum or parchment, or sheet or piece of paper, upon which any original writ (except fuch original on which a writ of Capias issues) Sub Pæna, bill of Middlesex, Latitat, writ of Capias Quo Minus, writ of Dedimus Potestatem, to take answers, examine witnesses, or appoint guardians, or any other writ whatfoever, or any other process or mandate, that shall issue out or pass the seals of any the courts at Westminster, courts of the great sessions in Wales, courts in the counties palatine, or any other court whatfoever holding plea, where the debt or damage doth amount to forty shillings, or above, or the thing in demand is of that value, shall be ingrossed or written (writs of covenant for levying fines, writs of entry for suffering common recoveries, and writs of Habeas Corpus, alway excepted) the fum of fix pence.

For every piece of vellum or parchment, or sheet or piece of ons taken in paper, upon which any deposition taken in the court of Chancery, recourt of of description of equity at Westminster (except the paper draughts of depositions, taken by virtue of any commission, before they are ingroffed) or upon which any copy of any bill, answer, plea, demurrer, replication, rejoynder, interrogatories, depositions, or other proceedings whatfoever, in fuch courts of equity, shall be

ingroffed or written, the fum of one penny.

For every piece of vellum or parchment, or sheet or piece of paper, upon which any declaration, plea, replication, rejoynder, fuch courts, demurrer, or other pleading whatfoever, in any court of law at Westminster, or in any of the courts of the principality of Wales, or in any of the courts in the counties palatine of Chefter, Lancaster, or Durham, shall be ingrossed or written, the sum of one penny; and,

> For every piece of vellum or parchment, or sheet or piece of paper, upon which any copy thereof shall be written or ingrossed,

the fum of one penny.

II. And be it further enacted by the authority aforesaid, That for the better and more effectual raising, levying, collecting, and paying, all the faid additional and new rates and duties herein before granted, the same shall be under the government, care, and management, of the commissioners for the time being appointed to manage the duties payable to his Majesty, his heirs, and fuccesfors, and charged on stamped vellum, parchment, and paper, by former acts of parliament in that behalf made; who, or the major part of them, are hereby required and impowered to employ fuch officers under them for that purpose as they shall think proper; and to use such dyes and stamps to denote the stamp duties hereby charged as they shall think fit, and to repair, renew, or alter the same, from time to time, as there shall be occasion; and to do all other acts, matters, and things, necessary to be done for putting this act



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in execution, with relation to the faid several rates and duties necessary for hereby granted, in the like and in as full and ample manner as carrying this they, or the major part of them, are authorized to put in execu- act into exetion any former law concerning stamped vellum, parchment, or cution.

paper.

III. Provided always, and be it further enacted by the autho- One newstamp rity aforesaid, That to prevent the multiplication of stamps up- to be provided on such pieces of vellum or parchment, or sheets or pieces of to denote the paper, on which several duties are by several acts of parliament several duties. imposed, it shall and may be lawful for the said commissioners, instead of the distinct stamps directed to be provided to denote the several duties on the vellum, parchment, or paper, charged therewith, to cause one new stamp to be provided, to denote the faid several duties on every piece of vellum or parchment, or Theet or piece of paper, charged with the faid several duties.

from time to time, as shall be by them thought needful.

IV. And it is hereby further enacted, That all vellum, parch- Former stamps ment, and paper, charged by this act with any of the stamp du- not made use ties hereby granted, which hath been, or shall, before the said of before 5 fifth day of July, be stamped or marked in pursuance of the for- July, to be mer acts of parliament relating to his Majesty's stamp duties, or brought to the any of them, shall, before any of the matters and things in re- have an addispect whereof any rate or duty is hereby made payable shall be tional stamp ingroffed or written thereupon, such ingroffing or writing being put on them. at any time after the faid fifth day of July, be brought to the head office for stamping or marking of vellum, parchment, and paper, to be stamped or marked with another mark or stamp, over and beudes the marks or stamps put or to be put thereupon in pursuance of the said former acts, or any of them; and that All papers, &cc. all vellum, parchment, and paper, which hath not been, or shall made use of not, before the faid fifth day of July, be stamped or marked in after the faid pursuance of the said former acts, or any of them, shall, before day, to be any of the matters or things in respect whereof any stamp duty according to is payable hereby, and by the faid former acts, or any of them, this act; shall be thereupon ingrossed or written, such ingrossing or writing being after the said fifth day of July, be brought to the said head office, and there marked and stamped with the proper marks or stamps, or mark or stamp, provided, used, or appointed, or to be provided or appointed in pursuance of the said former acts, or of this act, to denote the respective duties thereby and hereby respectively charged thereupon: and if any of the said on penalty of matters and things so to be ingrossed or written as aforesaid, shall forfeiting sl. be ingrossed or written, contrary to the true intent and meaning besides the hereof, upon vellum, parchment, or paper, not appearing to duties. have been duly marked or stamped, according to this act; that then, and in every such case, there shall be due, answered, and paid (over and above the stamp duties payable hereby, and by the faid former acts, or any of them) for or in respect of every fuch matter and thing the sum of five pounds; and that no such matter or thing shall be available in law or equity, or be given and duties to in evidence, or admitted in any court, unless as well the faid duty be paid, Vol. XXII. Mm

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hereby charged in respect thereof, as the said sum of five pounds, shall be first paid to the receiver general for the time being of the stamp duties, or his deputy or clerk; and until the vellum. pers, &c. duly parchment, or paper, upon which fuch matter or thing is fo inthe same shall grossed or written, shall be marked or stamped according to the be available in tenor and true meaning hereof: and the said receiver general. law or equity, and his deputy or clerk, are hereby enjoined and required, upon Uponpayment payment or tender of the said duties, and of the said sum of five of the penalty pounds, and such other sums as by the said former acts are paypapers admit- able in that behalf, to give a receipt for such monies; and the other proper officers are thereupon required to mark or stamp fuch matters or things with the proper marks or stamps, or mark or stamp, required in that behalf; which said sum of five pounds, is to be applied to the same uses and purposes as the duties hereby granted are to be applied.

Duties to be paid to the ral;

thereof, and to be paid over by him into the exchequer.

Books to be kept in the auditor's ofnee for entering thefe duties apart from all others.

Commissioners, and officers under them, to obferve the orders of the treasury in of their offices.

No fees to be taken.

duty, to pay treble cons. to the party grieved.

V. And be it further enacted by the authority aforesaid, That the several rates and duties herein before granted, shall be paid, receiver gene- from time to time, into the hands of the receiver general for the time being of the duties on stamped vellum, parchment, and and a separate paper; who shall keep a separate and distinct account of the seaccount kept veral rates and duties arising by virtue of this act, and pay the same (the necessary charges of raising, paying, and accounting for, fuch rates and duties being deducted) into the receipt of the exchequer, for the purposes herein after expressed, at such time and in such manner as any former duties on stamped vellum, parchment, or paper, are directed to be paid: and that in the office of the auditor of the said receipt, shall be provided and kept a book or books, in which all the monies arising from the feveral rates and duties hereby granted and paid into the faid receipt, as aforefaid, shall be entered separate and apart from all other monies paid and payable to his Majesty, his heirs, and fuccesfors, upon any account whatsoever, and shall be applied in such manner as is herein after mentioned.

VI. And be it further enacted by the authority aforefaid, That the faid commissioners, and all other officers who shall be employed in the collection or management of the faid feveral rates and duties herein before granted, shall, in the execution of their offices, observe and perform such rules and orders as they respectively shall, from time to time, receive from the high treathe execution furer, or the commissioners of the treasury, or any three or more of them, for the time being; and that no fee or reward shall be taken or demanded by any fuch commissioners or officers from any of his Majesty's subjects, for any matter or thing to be done Officermaking in pursuance of this act: and in case any officer employed in the default in his execution of this act in relation to the faid rates and duties, shall damages, and required or directed to do or perform any matter or thing by this act required or directed to be done or performed by him, whereby any of his Majesty's subjects, shall or may sustain any damage whatfoever; fuch officer, so offending, shall be liable by any action to be founded on this statute, to answer to the party grieved all such damages, with treble costs of suit.



Anno tricelimo secundo Georgii II. C. 35.

VII. And be it further enacted by the authority aforesaid, That the said commissioners and their officers shall be subject Penalties and torfeitures for to fuch penalties and forfeitures for any breach of the trufts in breach of them reposed, or for diverting or misapplying the money receiv- trust. ed in pursuance of this act, as by any former law relating to stamped vellum, parchment, or paper, are inflicted; and that Powers and all powers, provisions, articles, clauses, penalties, forfeitures, provisions, &c. distribution of penalties and forfeitures, and all other matters of former acts and things prescribed, inflicted, or appointed, by any former stamp duties, act or acts of parliament relating to the duties on vellum, parch- extended to ment, and paper, on which any affidavit, or any other matter or these duties. thing herein before mentioned, in respect whereof any rate or duty is by this act granted, shall be ingrosted or written, and not hereby altered, shall be in full force and effect with relation to the additional rates and duties hereby imposed, and shall be applied and put in execution for the raising, levying, collecting, and fecuring, the faid additional rates and duties, according to the true intent and meaning of this act, as fully, to all intents and purposes, as if the same had severally and respectively been herein enacted with relation to the additional rates and duties hereby imposed.

VIII. And be it further enacted by the authority aforesaid, Penalty of That if any person, from and after the said fifth day of July, Fenalty or forging or shall counterfeit or forge, or procure to be counterfeited or forged, counterfeiting any feal, stamp, or mark, to resemble any seal, stamp, or mark, the stamps, directed or allowed to be nied by this act for the purpose of denoting the duties hereby granted, or shall counterfeit or resemble the impression of the same, with an intent to defraud his Majesty, his heirs, and successors, of any of the said duties, or shall utter, vend, or sell any vellum, parchment, or paper, liable to any fuch stamp duty, with such counterfeit stamp or mark, knowing the same to be counterfeit; or shall privately or frau- or privately or dulently use any seal, stamp, or mark, directed or allowed to be fraudulently used by this act, with intent to defraud his Majesty, his heirs, and making use of successors, of any of the said duties; every person so offending, the true ones. and being thereof lawfully convicted, shall be adjudged a felon, and shall suffer death as in cases of felony, without benefit of death.

clergy. IX. And be it further enacted by the authority aforesaid, The following That, from and after the fifth day of July, there shall be issued, sumstobepuid paid, and applied, in every year, out of the monies which thall ties, in augarise by the duties herein before granted, and be paid into the mentation of receipt of the exchequer as aforefaid, the fums of money follow- the judges faing to the feveral judges herein after mentioned, as an addition to, laries; and in augmentation of, their respective salaries; that is to say, viz sool to The fum of five hundred pounds to each of the puisne judges each of the for the time being in the court of King's Bench; the sum of five puisne judges hundred pounds to each of the judges for the time being in the King's Bench; court of Common Pleas at Wistmingter; the sum of one thousand 5001. to each pounds to the chief baron for the time being in the court of Ex- of the judges chequer at Westminster; and the sum of five hundred pounds to in the court of M m 2

each Common

Anno tricesimo secundo Georgii II. C. 35. **53**2

soool to the chief baron of the exchequer; gool. to each of the other cout; sool. to the chief justice of Chefter; s sol to the fecond justice of Cheiter; y gol. to each of the Welfh judges ; to be paid yearly, as the falaries have accuitomarily been paid. If the duties shall be deficient, the treafury may apply any wnappropriated monies in the towards making good fuch parts of the faid annual fums as shall exchequer in aid thereof. When any deficiency that! happen, the payments to the judges to be in proportion to the falaries respectively allowed them. Surplus monies of the duties to be referved for the future difpofition of par-

each of the other barons of the coif for the time being in the faid court of Exchequer; the fum of two hundred pounds to the chief justice of Chester for the time being; the sum of one hundred and fifty pounds to the second justice of Chester for the time barons of the being; and the fum of one hundred and fifty pounds to each of the justices for the time being of the great sessions for the counties in Wales: which faid several and respective sums of money shall be and are hereby charged upon the rates and duties herein before granted, and shall be paid thereout, in every year, at such time or times, and in such manner, as the salaries to the said judges now are or have accustomarily been paid.

X. And be it further enacted by the authority aforesaid, That if the faid rates and duties shall prove deficient in any year to make good and answer the sums herein before appointed to be paid, and applied yearly in augmentation of the falaries of the faid judges, it shall, from time to time, as often as such deficiency shall happen, be lawful for the high treasurer, or commissioners of the treasury, or any three or more of them for the time being, out of any money that is then, or shall thereafter be, in the exchequer, and that hath arisen, or shall arise, by the said rates and duties, and not otherwise applied by parliament, to

be, from time to time, deficient or in arrear.

XI. Provided always, That when and as often as any fuch deficiency shall happen, the payments to be made to the said feveral and respective judges shall be in proportion to the respective fums which are herein before directed and appointed to be

direct any fum or fums of money to be iffued and paid for or

paid to fuch judges respectively.

XII. And be it further enacted by the authority aforesaid, That all the refidue and furplus of the monies arifing by the said rates and duties which shall, from time to time, remain in the exchequer, and shall not have been issued and applied for the augmentation of the falaries to the faid judges, and for the making good any fuch deficiencies as aforesaid, shall be, from time to time, referved for the disposition of parliament, and shall not be issued but by authority of parliament, and as shall be directed by future act or acts of parliament; any thing in any former act or acts contained to the contrary notwithstanding.

XIII. And for the augmenting of the salaries of the judges in the Salaries of the courts of Seffion and exchequer in that part of Great Britain called judges in Scot. Scotland, be it further enacted by the authority aforesaid, That from and after the faid fifth day of July, there shall be issued, paid, and applied, in every year, out of the monies which shall arise, from time to time, of or for any the duties and revenues in that part of Great Britain called Scotland, which by an act made purpose by act in the tenth year of the reign of Queen Anne, were charged or made chargeable with the payment of the fees, falaries, and other charges allowed or to be allowed by her Majesty, her heirs, or incceffors, for keeping up the courts of festion and justiciary and

land to be augmented out of the duties appropriated for that to Annæ.

liament.



Anno tricesimo secundo Georgii II. C. 30. 1759-]

exchequer court in Scotland, the several sums of money following, to the judges herein after mentioned, as an addition to, and in augmentation of, their respective salaries; that is to say, The sum of viz. 300l. to three hundred pounds to the president for the time being of the the president for it with of fession; the sum of three hundred pounds to the chief session; but on for the time being of the faid court of exchequer; and 3001, to the the firm of two hundred pounds to each of the other judges for chief baron of the time being in the faid courts of fession and exchequer re- the court of spectively: which said several and respective sums of money shall acol. to each be, and are hereby, charged upon the faid duties and revenues, of the other and shall be paid thereout in every year, at such time or times, judges in the and in such manner, as the sees, salaries, and other charges of said courts; keeping up the said courts, now are or have accustomarily been to be paid to be paid special since the union of the two kinedeman in national seems yearly, as the paid fince the union of the two kingdoms, in pursuance of any salaries have act or acts of parliament.

XIV. And it is hereby enacted by the authority aforesaid, been paid. That if any person or persons shall, at any time or times, be fued or profecuted for any thing by him or them done or to be done or executed in pursuance of this act, or of any matter or thing in this act contained, such person or persons shall and may plead the general issue, and give the special matter in evidence, General issue. for his or their defence; and if upon the trial a verdict shall pass for the defendant or defendants, or the plantiff or plaintiffs shall become nonfuited, then fuch defendant or defendants shall have Treble softs. treble costs to him or them awarded against such plaintiff or

plaintiffs.

CAP. XXXVI.

An act for enabling his Majesty to raise the sum of one million for the uses and purposes therein mentioned; and for further appropriating the fupplies granted in this session of parliament.

Preamble. Credit of loan granted to his Majesty for 1,000,000l. Treafury may raise the same by loans or exchequer bills, in like manner as is prescribed by the land tax act of this session, concerning loans or exchequer bills thereby to be made out. The clauses, &c. in the said act relating to the loans or exchequer bills, extended to the loans and exchequer bills to be made forth in pursuance of this act; principal and interest, with the charges attending, to be paid out of the next supplies, and if none fufficient be granted before 5 July 1760, then they are to be paid out of the finking fund; and the monies so issued to be replaced out of the first supplies. The bank impowered to advance on the said credit of loan, any fum or fums not exceeding 1,000,000l. the act of 5 & 6 W. & M. notwithstanding. Appropriation of the supplies in general. nies arifing by the land tax, malt act, subsidy and lottery act, and other fums remaining in the exchequer, and finking fund. Savings upon the fum granted for pay and cloathing of the militia for the year 1758, overplus of the grants for the year 1758 remaining in the exchequer, and the fum of 100,000l. granted to the empress of Russia in 1755, repaid into the exchequer, with the sum of 1.000,000l. granted by this act; viz. out of the aids in general, 3,558.4911. 9s. 8d. towards naval fervices herein specified. 1,000,000l. towards paying off the navy debt. 10,000l. towards the support of Greenwich Hospital. 544.7771. 58. for charge of the of-fice of ordnance for land service. 4.532,4141. 18. 9d. 3q. towards the land forces in general; of which 1,256,130' 158, 2d. for troops in Germany and the West Indies, and for guards and garrions, &c in Great Britain, Guernsey, and Jersey. 52,4841. 18. 8d. for the staff officers, and officers of the hospitals. 742.5311. 58. 7d. for guards and garrisons, &c. A1 m 3

accustomarily



Kamer tracefimo fecundo GBORGH II. C. 36. L1759. dence, Cape Breton, and Senegal. 40.8791. 138. 9d. for troops on the Irish establishment serving in North America and Africa. 34.3671. 158. 10d. to the reduced officers of the land forces and marines. 2,9581. 198. 7d. to the officers and gentlemen of horse guards, &c. reduced. for pentions of officers widows. s6,000l. for out-pentioners of Chelsea Hospital. 466,7851. 10s. 5d. 3q. for extraordinary expences of land forces, and other services, incurred in the year 1758. 398,697l. 178. ad. 3q, for the troops of Hanover, Wolfenbuttel, 6axe Gotha, and count Buckeburg, employed against the common enemy, in concert with the King of Prussia. 59,646l. 18. 8d. 3q. for the troops of Hesse Cassel, in the pay of Great Britain, with the subsidy, pursuant to treaty, from 25 Dec. 1758, to 24 March, 1759. 182,251l. 28. 11d. 1q. refidue for charge of the faid troops, from 25 Dec. 1758, to 25 Dec. 1759. 97,5821. 178. 10d. &c. for charge of additional troops of Hesse Cassel, in the pay of Great Britain, from 1 Jan. 1759, to 31 Dec. 1759. 500,000l. upon account, for forage and other contingent expences of the combined army under prince Ferdinand. 670,000l. to the King of Prussia, pursuant to treaty. 60,000 l. to the landgrave of Hesse Cassel, pursuant to treaty. 800,000l. to discharge the like fum horrowed on a vote of credit of the last fession. 1,000,000l. upon account, to defray the extraordinary expences of the war. 9,902l. 5s. upon account, for supporting the colony of Nova Scotia. 11,2781. 18s. 5d. upon account, for charges incurred in 1757, for supporting the faid colony, and not provided for. 4,057l. ros. upon account, for defraying the civil establishment of Georgia. 667,7711. 198.
7d. for charges of transport service, &c. incurred in the year 1758. 2,500l. to make good the like sum issued by his Majesty to John Mill esquire, and to be paid over by him to the victuallers, &c. of Southampton, in confideration of their expences in quartering the Hessian troops. 21,450l to make good the like fum issued by his Majesty in augmentation of the judges falaries. 7781. 16s. 6d. to make good the like fum issued by his Majesty to Jane Hardinge, balance of her husband's account for printing the journals of the house of commons. 69,910l. 158. 1q. upon account, for discharging incumbrances on the Perth estate, pursuant to act 25 Geo. 2. 24,371l. 6s. 11d. 3q. to replace to the finking fund the like fum paid thereout, to make good the deficiency of the additional stamp duties, &c. on 5 July, 1758. 8,881l. 11. 10d. 2q. to replace to the finking fund the like fum paid thereout, to make good the deficiency of the duties on glats, &c. on 5 July, 1758. 15,000l. without account, towards repairing London Bridge, Act 29 Geo. 2. 20,000l. to the Foundling Hospital, to be paid without see. 30,000l. to the Foundling Hospital, for receiving, &c. fuch children as shall be brought thither before 1 Jan. 1760, to be paid without fee. 10,000l. towards maintaining the forts and fettlements in Africa. 1,280l. to R. Long, D. D. to enable him to discharge a mortgage upon the estate devised by T. Lowndes Esq; for the endowment of an astronomical and geometrical professorship in Cambridge. 90,000l. upon account, for pay and cloathing of the militia, and repayment to his Majesty of 1,3321. 10s. advanced by him for the service of the militia. 20,000l. to the East India company, in lieu of the King's troops withdrawn from thence. 200,000l. upon account, to make compensation to the provinces of North America, for expences incurred by them in les vying, cloathing, and pay of troops railed there. 2,4431. 3s. 1d. for purchating lands for fecuring Portsmouth, Chatham, and Plymouth docks. These aids to be applied to no other uses. Rules to be observed in the application of the half-pay. Clause in act 31 Geo. 1. Application of the favings of the faid sum of 35,602l. granted the last session towards halfpay. Treasury may issue to the banks of Scotland, the sum of 69,910l. 158. 9d. 1q. for discharging the incumbrances of the Perth estate. The decrees fustaining the claims thereupon, to be produced to the court on or before 5 July 1759; and debentures to be then made out for the fame, with the interest due; which are to be paid at fight by the bank. Decre not then produced, the claims not to bear interest after the faid day. Barons of the Exchequer, with confent of the treasury, to fettle the rewards due to the officers of the court, and issue debentures for the same, &c. No fee to be taken by the officers of the Exchequer from the creditors of the

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CAP. XXXVII.

An act for repairing and widening the high road leading from the town of Mansfield in the county of Nottingham, through the towns of Plea-fley, Glapwell, Heath, and Normenton, and the liberty of Hasland, to the turnpike road leading from the town of Derby, to the town of Chestersield in the county of Derby.

CAP. XXXVIII.

An act for repairing and widening the roads from Chappel Bar, near the west end of the town of Nottingham, to Newhaven; and from The Four-Lane-Ends near Oakerthorpe, to Ashborne; and from the cross post on Wirksworth Moor, to join the road leading from Chestersield, to Chappel en-le-Frith, at or near Longston in the county of Derby; and from Selston, to Annesley Woodhouse in the county of Nottingham,

CAP. XXXIX.

An act for repairing and widening the roads from the east end of the town of Chard, to the fouth end of West Moor; and from the west end of the Yeovil turnpike road, through Ilmister, to Kenny Gate; and from the west end of Pease Marsh Lane, to Horton Elm; and from Saint Raine Hill, to Ilmister; and from White Cross, to Chillington Down; and from a place called Three Oaks, over Ilford Bridges, to Bridge Cross in the county of Semerset.

CAP. XL.

An act for repairing feveral roads leading to the town of Bridgewater, in the county of Somerfet; and for amending and rendering more effectual feveral acts for amending feveral roads from the cities of Gloucester and Bristol, and several other roads in the said acts mentioned, in the counties of Somerfet and Gloucester.

CAP. XLI.

An act for repairing and widening the road from the cross at Broken Cross in Macclessield, in the county of Chester, through Macclessield Forest, to the present turnpike road at the south end of the township of Buxton, in the county of Derby.

CAP. XLII.

An act for making the river Stort navigable, in the counties of Hertford and Essex, from the New Bridge in the town of Bishop Stortford, into the river Lee, near a place called The Rye, in the county of Hertford.

CAP. XLIII.

An act for repairing and widening the road from Chefterfield to the turnpike road at Hernstone-Lane-Head; and also the road branching from
the said road upon the East Moor, through Baslow and Wardlow, to the
joining of the said roads again near Wardlow Mires; and also the road
leading between the said road and branch from Calver-Bridge, to Baslow-Bridge; and also the road from the turnpike road near Newhaven
House, to the turnpike road near Grindleford Bridge, in the county of
Derby.

CAP. XLIV.

An act to continue, amend, and make effectual an act passed in the twelfth year of the reign of his present Majesty, intituled, An act for repairing the roads from the north-west parts of the county of Lincoln, through Nettlam Fields, Wragby Lane, and Baumber Fields, to the Wolds, or North-east part of the said county; and also for repairing and widening the M m 4





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roads from the Well, in East-gate in the city of Lincoln, and from north-west end of Horncastle, and from the Guide Post at the east of Hainton, through Barkwith, to the roads directed to be repaired the said act.

CAP. XLV.

An act for repairing, widening, and rendering fafe and commodio feveral roads leading from the town of Southmolton in the county Devon.

CAP. XLVI.

An act for repairing and widening the road from a place called The c Gallows, in the parish of Sunning, in the county of Berks, throu Wokingham, New Bracknowl, and Sunning Hill, to Virginia Water, the parish of Egham, in the count, of Surry.

CAP. XLVII.

An act to amend and explain an act made in the third year of his prefent Majesty's reign, intituled. An act for making navigable the right Stroudwater, in the county of Gloucester, from the river Severn at or ne Framiload, to Wallbridge, near the town of Stroud, in the jame county.

CAP. XLVIII.

An act for repairing the road from Wakefield to Austerlands, in the we riding of the county of York.

CAP. XLIX.

An act for the better enlightening and cleanfing the open places, street squares, lanes, courts, and other passages, within the part of the minor and liberty of Norton Folgate, otherwise Norton Folley, in the county of Middlesex, which is extraparochial: and regulating the nightly watch and beadles therein.

CAP. L.

An act for repairing and widening the roads from Oxdown Gate, i Popham Lane, to the city of Winchester: and from the said city through Hursley to Chandler's Ford: and from Hursley aforesaid, the turnpike road at Romsey: and from the said turnpike road, throug Ringwood, in the county of Southampton, to Longham Bridge an Winborne Minster, in the county of Dorset.

CAP. LI.

An act to explain, amend, and render more effectual, the powers granted by feveral acts of parliament for repairing feveral roads leading to the city of Bath; and for amending feveral other roads near the fair city.

CAP. LII.

An act for amending, widening, and keeping in repair the road from the Hollow Way on the west side of lord Clifford's park gate, where the Exeter turnpike road ends, to a place called Biddatord, in the county of Devon.

CAP. LIII.

An act for repairing and widening the roads from Grantham, in the county of Lincoln, through Rottesford and Bingham, to Nottingham Trent Bridge; and from Chappel Bar, near the west end of the town of Nottingham, to Saint Mary's Bridge in the town of Derby; and from the guide post in the parish of Lenton, to Sawley Ferry.

CAP. LIV.

An act for repairing and widening the road from Dewsbury to Ealand, i the well riding of the county of York.

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CAP. LV.

act for repairing and widening the roads from the town of Mold to the town of Denbigh, and from theuce to Tal-y Cafn and Conway; and from the town of Wrexham to the towns of Ruthin, Denbigh, and the town and port of Ruthland, in the counties of Denbigh, Flint, and Carnarvon.

CAP. LVI.

n act for laying a duty of two pennies scots, or one sixth part of a penny sterling, upon every scots pint of ale, porter, and beer, which shall be brewed for sale, brought into, tapped, or sold, within the town of Kelso, in the shire of Roxburgh, for finishing a bridge cross the river Tweed, and for other purposes therein mentioned.

CAP. LVII.

n act for repairing and widening the roads from a place called Littlegate, at the top of Leadenham Hill, in the county of Lincoln, to the west end of Barnby Gate, in Newark upon Trent; and from the guide post at the division of Kelham and Muskham Lanes, to Mansfield; and from Southwell to Oxton; in the county of Nottingham.

CAP. LVIII.

n act for establishing, regulating, and maintaining a nightly watch, and for enlightening the open places and streets, within the town of Guildford in the county of Surrey.

CAP. LIX.

n act to explain, amend, and render more effectual, an act passed in the fixth year of the reign of her late majesty Queen Anne, intituled, An act for erecting a workhouse in the town and borough of Plymouth in the county of Devon; and for setting the poor on work, and maintaining them there; and for obliging the mayor and commonalty of Plymouth to contribute towards the county rates of Devon: and for applying, for the relief of the poor in the said workhouse, certain surplus monies which have for merly arisen by the assessments for raising the land tax in the said town.

CAP. LX.

n act for repairing and widening the road from the town of Derby to the town of Newcastle under Lyne, in the county of Stafford.

CAP. LXI.

on act for discharging the inhabitants of the town of Manchester, in the county palatine of Lancaster, from the custom of grinding their corn and grain, except malt, at certain water corn mills in the said town, called The School Mills; and for making a proper recompence to the feosfees of such mills.

CAP. LXII.

In act for improving the navigation of the river Clyde to the city of Glasgow; and for building a bridge cross the said river, from the said city to the village of Gorbells.

CAP. LXIII.

In act to continue and amend two acts, one made in the thirteenth year of the reign of his late majesty King George the First, and the other in the seventeenth year of his present Majesty, for repairing certain roads leading from Chippenham, and for repairing several roads leading from Chippenham Bridge; and to repeal so much of an act made in the twenty ninth year of his present Majesty, as relates to the road between the said bridge and Lower Stanton in the county of Wilts.

CAP. LXIV.

act for making and completing the navigation of the river Wear, from and including South Biddick, or Biddick Ford, in the county of Durban.

Ann de estimo secundo GEORGII II. C. 65,--71. [1759.

ham, to the city of Durham; and for repealing so much of an act made in the twentieth year of his present Majesty's reign, intituled, An act for the better preservation and improvement of the river Wear, and port and baven of Sunderland, in the county of Durham; as relates to making the said river navigable between the said two places called South Biddick, or Biddick Ford, and New Bridge, in the county of Durham.

CAP. LXV.

An act for continuing, amending, and rendering more effectual, so much of an act made in the twentieth year of his present Majesty's reign, intituled, An act for the better preservation and improvement of the river Wear, and port and baven of Sunderland, in the county of Durham; as relates to the port and haven of Sunderland, and the river Wear, between South Biddick, or Biddick Ford, and the said port and haven.

CAP. LXVI.

An act for amending and widening the roads leading from Stretford's Bridge in the county of Hereford, to the new inn in the parish of Winfanstow in the county of Salop; and also the road from Blue Mantle Hall, near Mortimer's Cross, to Aymstrey in the said county of Hereford; and for repealing so much of an act made in the twenty second year of the reign of his present Majesty, as relates to the road from Mortimer's Cross to Aymstrey Bridge.

CAP. LXVII.

An act for repairing the road from the fouth end of the fouth street, in the parish of South Malling, near the town of Lewes, to Glyndbridge; and from thence through Firle Street under the Hill, to Longbridge in the parish of Alfriston, in the county of Sussex.

CAP. LXVIII.

An act for repairing and widening the road from Modbury, through the town of Plympton, to the north end of Lincotta Lane, in the county of Devon.

CAP. LXIX.

An act for repairing, amending, and widening the roads from the fouth west end of NetherBridge, in the county of Westmorland, by Sizerghfell-side, to Levens Bridge, and from thence through the town of Mill-throp, to Dixes; and from the town of Millthrop aforesaid, to Hangbridge, and from thence to join the Heron Syke turnpike road, at the guide post near Clawthrop Hall, in the county aforesaid.

CAP. LXX.

An act for repairing and widening the road leading from the east side of Barnsley Common, in the county of York, to the middle of Grange Moor, and from thence to White Crois; and also the road from the guide post, in Barugh, to a rivulet called Barugh Brook, and from thence for two hundred yards over and beyond the same rivulet or brook into the township of Cawthorne, in the said county.

CAP. LXXI.

An act for repairing and widening the high road from Wetherby to Graffington, in the county of York.